



This is a digital copy of a book that was preserved for generations on library shelves before it was carefully scanned by Google as part of a project to make the world's books discoverable online.

It has survived long enough for the copyright to expire and the book to enter the public domain. A public domain book is one that was never subject to copyright or whose legal copyright term has expired. Whether a book is in the public domain may vary country to country. Public domain books are our gateways to the past, representing a wealth of history, culture and knowledge that's often difficult to discover.

Marks, notations and other marginalia present in the original volume will appear in this file - a reminder of this book's long journey from the publisher to a library and finally to you.

Usage guidelines

Google is proud to partner with libraries to digitize public domain materials and make them widely accessible. Public domain books belong to the public and we are merely their custodians. Nevertheless, this work is expensive, so in order to keep providing this resource, we have taken steps to prevent abuse by commercial parties, including placing technical restrictions on automated querying.

We also ask that you:

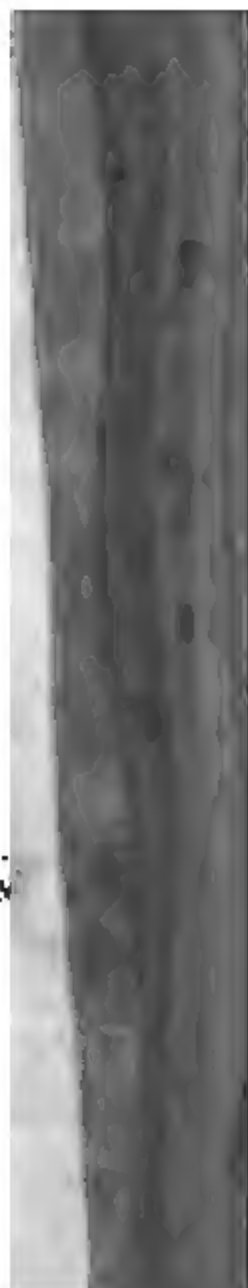
- + *Make non-commercial use of the files* We designed Google Book Search for use by individuals, and we request that you use these files for personal, non-commercial purposes.
- + *Refrain from automated querying* Do not send automated queries of any sort to Google's system: If you are conducting research on machine translation, optical character recognition or other areas where access to a large amount of text is helpful, please contact us. We encourage the use of public domain materials for these purposes and may be able to help.
- + *Maintain attribution* The Google "watermark" you see on each file is essential for informing people about this project and helping them find additional materials through Google Book Search. Please do not remove it.
- + *Keep it legal* Whatever your use, remember that you are responsible for ensuring that what you are doing is legal. Do not assume that just because we believe a book is in the public domain for users in the United States, that the work is also in the public domain for users in other countries. Whether a book is still in copyright varies from country to country, and we can't offer guidance on whether any specific use of any specific book is allowed. Please do not assume that a book's appearance in Google Book Search means it can be used in any manner anywhere in the world. Copyright infringement liability can be quite severe.

About Google Book Search

Google's mission is to organize the world's information and to make it universally accessible and useful. Google Book Search helps readers discover the world's books while helping authors and publishers reach new audiences. You can search through the full text of this book on the web at <http://books.google.com/>

Per 2333 d. 17

44(1).[2]





INDEX

TO THE

MISCELLANEOUS DOCUMENTS

OF THE

HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-FOURTH CONGRESS.

Volume 1...Nos. 1 to 49 inclusive.
Volume 2...Nos. 50 to 82 inclusive, except Nos. 61 and 65.
Volume 3...Nos. 61 and 65.
Volume 4...Nos. 83 to 103 inclusive.
Volume 5...Nos. 104 to 174 inclusive, except 170 and parts.
Volume 6...No. 170, parts 1, 2, and 3.
Volume 7...No. 170, part 5.
Volume 8...No. 170, parts 4, 6, 7, 8, and 9.
Volume 9...Nos. 175 to 186 inclusive.
Volume 10...Nos. 187 to 194 inclusive.

WASHINGTON:
GOVERNMENT PRINTING OFFICE.
1876.

.

.

.

.

.

.

INDEX



TO THE

MISCELLANEOUS DOCUMENTS OF THE HOUSE OF REPRESENTATIVES

FOR THE

FIRST SESSION OF THE FORTY-FOURTH CONGRESS.

Subject.	Vol.	No.
A.		
Appraisal of goods, &c., relative to modifying the laws relating to, resolutions of the State legislature of Minnesota	2	79
Appropriations for Centennial Exposition	2	50
Architect of the Capitol transmits list of public property	1	39
Army, United States, nationality of enlisted men in the	5	105
reduction of, relative to the	5	121
Arizona, relative to Walnut Grove Gold Mining Company in	4	83
B.		
Bank-checks, repeal of stamp-tax on, relative to	2	74
Beardslee, Cadet, investigation relative to	9	177
Black Hills country, treaty with the Indians occupying the	4	95
Board of audit of District of Columbia, investigation of. (Parts 1, 2, and 3)	4	103
Bonds, 3.65, payment of interest on the	1	43
Bowen, William, report from the Comptroller of the Treasury concerning the claim of	1	8
C.		
California, State of, cheaper telegraphic facilities for	5	106
Susanville, to Willow Ranch, mail-route from	5	116
railroad and other lands in, relative to	5	164
relative to mail-service in	2	53
resolution of the legislature of, relative to breakwater at San Luis Obispo.	2	59
resolution of the legislature of, relative to the transfer of Indian affairs to the War Department	4	92
Canal from Clinton to Hennepin, Iowa, relative to	5	145
Carqueuiz, Straits of, relative to light-house in	5	143
Carroll, Anna Ella, claim of	9	179
Centennial directory, resolution relative to	5	141
Woman's Suffrage Society, memorial relative to	1	45
Exhibition, appropriations for	2	50
Chamber of Commerce, Cotton Exchange, resolution relative to signal-service	5	148
Chiricahua Indians of Arizona, removal of	5	172
Chicago, pension agency at, testimony concerning	5	173
Chicago, pension agency at, testimony concerning	9	182
Choctaw Indians, claims of, memorial relative to	1	40
Choska, Minnesota, mail-route from, to Excelsior, relative to	5	129

Subject.	Vol.	No.
Civil service reform, testimony concerning pension agency at Chicago..	5	173
Civil service reform, testimony concerning pension agency at Chicago..	9	182
Claims for depredations committed by Indians in New Mexico	4	87
of men in New Mexico for lost property	4	88
Chocoma Indians, memorial relative to	1	40
Heirs of D. R. Wortham, relating to	1	27
Margaret E. West, relating to	1	44
Pernetta Hendley, relating to	1	32
Clerk of the House of Representatives, transmits annual report of expend- itures to, June 30, 1875	1	3
list of public property in his office	1	7
letter relative to monuments to deceased members of Congress	1	6
letter relative to pay of Representatives-elect	1	2
report of expenditures from June 30 to December 6, 1875	1	4
letter relative to printing summary reports of Southern Claims Commission	1	5
statement of appropriations, new office, &c	10	192
Colorado, Ute Indians in, grievance of the	4	86
military post and wagon-road in, (Fort Defiance)	4	85
Colfax, Wyoming, concerning land-office at	1	16
Columbia River, navigation of, relating to	1	17
Commerce by railroad, resolution relative to	1	11
Commissioners of Claims transmit fifth general report	1	30
transmit additions to fifth general report	1	30
Compulsory pilotage, papers relative to	5	154
Congress, proceedings in, resolution relative to publication of	1	41
Cotton-tax, memorial relative to	1	38
Crescent City, California, breakwater at, relative to	4	102
Cummings, De Witt C., extension of patent to	9	180
Courts, district, in Washington Territory, third judicial district, resolution relative to	4	97
D.		
Dakota, organization of a new Territory out of northern frontier of	2	77
Decimal system of weights, measures, and coinage, relative to	1	10
Des Moines River lands, relative to	4	91
Detroit River, bridging of the	5	142
District attorneys, fees of, relating to extra	1	19
E.		
Elections, contested—		
Abbott <i>vs.</i> Frost, Massachusetts	1	49
Baskin <i>vs.</i> Cannon, Utah	5	166
Breau <i>vs.</i> Darrall, Louisiana	2	64
Bromberg <i>vs.</i> Harralson, Alabama	1	47
Butts <i>vs.</i> Mackey, South Carolina	1	48
Cox <i>vs.</i> Strait, Minnesota	2	55
Fenn <i>vs.</i> Bennett, Idaho	2	82
Finley <i>vs.</i> Walls, Florida	2	58
Lee <i>vs.</i> Rainey, South Carolina	2	57
Le Moyne <i>vs.</i> Farwell, Illinois	3	61
Platt <i>vs.</i> Goode, Virginia	3	65
Spencer <i>vs.</i> Morey, Louisiana	2	54
Eureka, post-road from, to Mendocino	1	151
Excelsior, mail-route from, to Choska, Minnesota	5	129
F.		
Fairmont, West Virginia, relative to turnpike from, to Gauley Bridge	1	33
Finance and currency, resolution relative to	1	25
Fish commissioners, appropriations for propagating of food-fishes asked for by the	5	134
Fort Abercrombie, Minnesota, military reservation at	5	137
<i>Defiance, military post and wagon-road at</i>	4	85

INDEX.

v

Subject.	Vol.	No.
Fort Harker, Kansas, military reservation at	5	122
Snelling, bridge at	5	160
Fund, Japanese indemnity, papers relative to	1	24
resolution of Chamber of Commerce, of New York.....	2	80
G.		
Ganley Bridge, West Virginia, from Fairmont, relative to turnpike to...	1	33
Grasshoppers, destruction of, relative to	2	70
H.		
Hallett Kilbourne, case of, decision of Judge Cartter in the	5	169
papers in the.....	5	174
Heirs of L. R. Wortham, relative to the claim of.....	1	27
Hendley, Pernetta, relative to pension-claim of	1	32
Humphreys, Judge, charges against	9	178
I.		
Indian affairs, transfer of, to the War Department, resolution of California legislature relative to the.....	4	92
relative to ..	5	123
Indians, Chiricahua, of Arizona, removal of	5	172
Choctaw, claims of, relative to the.....	1	40
depredations by, in New Mexico, claims for.....	4	87
Indian Department, testimony in regard to management of affairs in the	5	167
Indians, Seneca, relative to the reservation of the.....	1	22
treaty with the, occupying the Black Hills.....	4	95
Ute, grievances of the, relative to the.....	4	86
Interest, payment of, on the 3.65 bonds.....	1	43
Iowa, resolution of the legislature of, relating to the improvement of the Upper Mississippi River.....	2	78
J.		
Japanese indemnity fund, resolution relative to.....	1	24
resolution from New York Chamber of Commerce relative to the.....	2	80
K.		
Kansas City, Missouri, branch mint at, memorial of the Kansas City Board of Trade, relative to.....	5	110
L.		
Lake City, California, establishing post-route from, to Winnemucca, Nev.	5	115
Land-office, relative to, at Colfax, Wyoming.....	1	16
Lands, relative to, for school purposes.	1	36
Land-Office, General, letter from, relative to North Pacific Railroad.....	5	109
Lands, railroad and others, relative to, in California	5	164
relative to, within withdrawal in favor of the Northern Pacific Railroad	4	96
Lawrence's report on Pacific Railroad.....	5	132
Law, homestead, amending of.....	5	118
Life-saving stations, resolution relative to.....	1	21
M.		
Macon, Mo., agency at, report concerning.....	9	183
Mail-route in Minnesota, relative to.....	2	81
Mail-route No. 46109, relative to.....	4	101
service in California, relative to.....	2	53

Subject.	Vol.	No.
Mattapony and Pamunkey Rivers, resolution relative to	1	23
Meigs, Quartermaster-General, resolution relative to	1	9
Memphis Cotton Exchange, memorial of.	5	157
port of, survey of.	5	114
Mendocino, California, post-road from, to Eureka	5	151
harbor at, relative to.	5	161
Mexican war pensions, relative to.	5	119
Mexican war pensions, relative to.	5	156
Mexico, soldiers in war with, resolutions of Texas legislature relative to.	2	60
Militia, claims of, for lost property in New Mexico	4	88
Military post and wagon-road, relative to, in Colorado	4	86
Minnesota, mail-routes in, relative to.	2	81
settlers on certain lands in, relative to.	5	140
resolutions of legislature of, relative to modifying laws re- lating to appraisal of goods, &c.	2	79
Missouri River, improvement of.	4	90
Monongahela River, relative to.	1	34
Montana, Missouri and Yellowstone Rivers in, relative to improving....	4	90
Moorehead, post-road to, from Saint Vincent.	4	94
N.		
National bank act, repeal of, resolution relative to the	1	26
Home for Disabled Soldiers, annual report of	5	147
Naval affairs, investigation of, report of. (Parts 1, 2, and 3).....	6	170
Naval Affairs, investigation of, Committee on, report of. (Part 5)	7	170
Naval Affairs, investigation of, Committee on, report of. (Parts 4, 6, 7, 8, and 9)	8	170
Navigation, obstruction to, on great lakes	5	159
Nebraska, cession of portion of, to Missouri	1	15
Nemaha County, Nebraska, relative to.	1	15
New Mexico, resolution of legislative assembly of, relative to admission of	3	63
property lost in, claims for.	4	88
depredations in, claims for Indian	4	87
meeting of legislative assembly of, relative to.	4	89
New Orleans, mint at, relative to.	5	165
New York Cheap Transportation Association	5	112
resolutions of Chamber of Commerce of, relative to Japanese indemnity fund.	2	80
certain rivers and harbors of, relative to improvement of....	2	51
O.		
Oakland, California, harbor at, relative to	5	144
Ohio River, improvement of, relative to.	2	68
Ohio, swamp-lands in, relative to.	5	163
Omaha bridge, Union Pacific Railroad, relative to	9	184
P.		
Patent, extension of, to De Witt Cumings	9	180
laws, relative to.	5	149
Wilson's, relative to, on feed-motion	5	127
Patents and copyrights, relative to	5	136
Pension-agency at Chicago, testimony concerning	5	173
Pension-agency at Chicago, testimony concerning	9	182
Macon, Mo., report concerning	9	183
bureau, transfer of, to War Department.	4	93
Perins Cove military reservation, relative to	4	98
Pettygrove, Francis W., relative to.	4	99
Pisciculture in Louisiana, relative to	5	155
Point Pleasant, monument at, erection of.	2	66
Porter, Fitz John, relative to.	1	31
Postmasters, compensation of, letter from First Assistant Postmaster- General relative to.	4	84

Subject.	Vol.	No.
Postage, cheap, relative to.....	5	152
Post-route from Moorhead, Minn., to Saint Vincent.....	4	94
Presidio reservation, California, relative to the.....	5	111
Property, captured and abandoned, relative to	10	190
Printing and Engraving Bureau, relative to.....	10	188
interrogatories and answers concerning the, of the securities of the United States. (Parts 1 and 2)	5	163
R.		
Railroad companies, Baltimore and Potomac and other, relative to	9	175
Hastings and Dakota, relative to	5	138
lands, Hasting and Dakota and Southern Minnesota, relative to settlers on the	5	158
Kansas Pacific Railroad, lands of.....	5	113
lands of, granted to them by law, claimed by settlers	5	107
Northern Pacific, relief of settlers on line of	2	73
Northern Pacific, extension of the time for comple- tion of.....	2	72
Northern Pacific, relative to lands within the with- drawal in favor of the.....	4	96
Union Pacific, Lawrence's subreport on.....	5	132
relative to, and other lands in California.....	5	164
Union Pacific and Omaha bridge	9	184
Southern, aid to, relative to	2	76
Washington and Georgetown, relative to.....	2	56
Reductions, statement showing, under the bill H. R. 2571	5	131
Revenue laws, modification of.....	2	69
surplus, relative to	1	20
River, Columbia, relative to.....	4	100
Elk, improvement of	2	67
Red, of the North, improvement of	2	71
Monongahela, relative to improvement of.....	1	34
Sacramento and others, improvement of.....	5	105
Saint Croix, relative to	5	150
Upper Mississippi, improvement of the, resolutions of the legisla- ture of Iowa	2	78
Rivers and harbors, of New York, improvement of certain.....	2	51
Missouri and Yellowstone, improvement of	4	90
Ohio and other, and tributaries, improvement.....	2	68
Mattaponi and Pamunkey, improvement of	1	23
S.		
Salt springs, lands of, relative to	5	130
San Louis Obispo, breakwater at, resolutions of the legislature of Califor- nia relative to	2	59
Santa Monica, California, light-house and fog-bell at.....	5	162
School-lands, relative to.....	1	36
Seneca Indians, reservation of, relative to.....	1	22
Settlers, relief of, on line of Northern Pacific Railroad.....	2	73
Signal-Service, resolution of Chamber of Commerce Cotton Exchange, rel- ative to	5	148
extension of, relative to	5	124
Sioux Indians, treaty with, expenditures for fulfilling.....	5	126
South Carolina, sale of spirituous liquors in	1	18
Specie payment, relative to.....	1	29
Specie payment, relative to.....	1	35
Spirituous liquors, sale of, in South Carolina.....	1	18
Stamp-tax, relative to the repeal of, on bank-checks	2	74
Saint Vincent, relative to post-route from, to Moorhead.....	4	94
Subsidies, railroad, relative to, resolutions.....	1	12
evidence concerning disposal of, to certain railroads.....	9	176
Susanville, establishing mail-route from, to Willow Ranch.....	5	116
Swamp-lands, resolution relative to	1	13
resolution relative to, in Ohio	5	168

Subject.	Vol.	No.
T.		
Tax, memorial relative to, on cotton	1	38
resolution relative to, on grape and fruit brandy	5	117
Territory, organization of a new, out of portion of the northern frontier of Dakota	2	77
Texas frontier, relative to depredations on	1	37
protection of	9	185
congressional apportionment of, memorial relative to	5	133
resolution of the legislature of, relative to soldiers in war with Mexico	2	60
Timber-culture act, settlers under, relative to lands, transfer of	5	139
Tobacco, leaf, concerning sale of	1	14
Transportation, relative to cheap	5	120
Treasury, cash in, relative to	5	104
letter from Comptroller of the, regarding claim of William Benen	1	8
coin and bullion in, relative to	5	127
report of the Committee on Expenditures in the, Department, regarding the printing of the securities of the United States. (Part 2)	2	163
disposition of captured and abandoned property by the	5	135
Treaty with Indians occupying Black Hills country	4	95
U.		
United States, issue of, bonds, and notes	10	189
Utah, women of, petition of	1	42
V.		
Virginia, debt due to, by the United States on account of advances made in 1812	2	75
resolutions of the legislature of, in regard to war-claims of 1812 ..	3	62
Virginia Military Institute, report concerning the	5	153
W.		
Walnut Grove Gold-Mining Company, Arizona, relative to	4	83
War-claims of 1812, resolution of Virginia legislature, in regard to	3	62
War Department, resolution of the California legislature, in regard to transfer of Indian affairs to the	4	92
transfer of Pension Bureau to the	4	93
West, Margaret E., relative to claim of	1	44
West Point, N. Y., list of officers and professors at, with pay, &c	5	125
Whisky frauds, testimony concerning	9	186
Willow Ranch, establishing mail-route from, to Susanville	5	116
Wilson's patent on feed-motion, relative to	5	128
Winnemucca, Nev., establishing mail-route from, to Lake City, California ..	5	115
Women's Suffrage Society, memorial relative to	1	45
Wortham, L. R., heirs of, relative to claims of the	1	27
Y.		
Yellowstone River, relative to improvement of the	4	90
Yorktown, monument at, memorial relative to	1	46

APPROPRIATION FOR CENTENNIAL.

RESOLUTION

OF THE

LEGISLATURE OF PENNSYLVANIA,

IN RELATION TO

An appropriation of \$1,500,000 for the Centennial Exhibition.

JANUARY 17, 1876.—Referred to the Select Committee on the Centennial Celebration and ordered to be printed.

Be it resolved by the senate and house of representatives of the commonwealth of Pennsylvania in general assembly met, That our Senators are instructed and our members of Congress requested to vote for the bill now pending making an appropriation of \$1,500,000 for the Centennial Exhibition to be held in the city of Philadelphia, and that the governor be requested to communicate this resolution to our members of Congress.

RUSSELL ERRETT,
Clerk of the Senate.

ADAM WOOLEVER,
Clerk of the House of Representatives.

IMPROVEMENT OF CERTAIN RIVERS AND HARBORS OF
NEW YORK.

JOINT RESOLUTION
OF
THE LEGISLATURE OF NEW YORK,
ASKING

Appropriation for certain rivers and harbors in the State of New York.

JANUARY 17, 1876.—Referred to the Committee on Commerce and ordered to be printed

STATE OF NEW YORK.

IN ASSEMBLY, *Albany, January 11, 1876.*

Whereas the transportation and business interests of the United States and the commerce of the city and State of New York require the prompt completion of the improvement of the navigation of the Harlem River and Spuyten Duyvil Creek, from the East River through the Harlem Kills to the Hudson River, pursuant to the surveys and estimates already made under the authority of the United States:

Resolved, (if the senate concur,) That the Congress of the United States be respectfully requested to make such appropriations as are requisite for the vigorous prosecution and early completion of the improvement of the navigation of the Harlem River and Spuyten Duyvil Creek, from the East River through the Harlem Kills to the Hudson River.

Resolved, (if the senate concur,) That a copy of these resolutions be forwarded to the Senators and Representatives in Congress from this State.

By order.

EDWD. M. JOHNSON, *Clerk.*

IN SENATE, *January 12, 1876.*

Passed without amendment.

By order.

H. A. GLIDDEN, *Clerk.*

ANTIETAM NATIONAL CEMETERY.

[To accompany bill H. R. 1213.]

MEMORIAL

OF THE

TRUSTEES OF THE ANTIETAM NATIONAL CEMETERY.

JANUARY 18, 1876.—Referred to the Committee on Military Affairs and ordered to be printed.

To the honorable the members of the Senate and House of Representatives in Congress assembled :

GENTLEMEN: At a meeting of the board of trustees of Antietam National Cemetery, held in Washington City on the 9th day of December, A. D. 1875, the undersigned were appointed a committee to memorialize Congress, and to lay before it a brief statement of facts concerning its present condition and future prospects.

In accordance with said resolution, your committee have the honor of presenting for your consideration the following facts :

The association was incorporated under "An act passed by the general assembly of the State of Maryland, in the year 1865." Under the charter so granted, the following States became members of the association, and appropriated the respective amounts affixed to each, as follows :

New York.....	\$17,281 88
Indiana.....	6,132 28
Connecticut.....	2,229 22
Maryland.....	15,000 00
New Jersey.....	2,787 40
Minnesota.....	1,114 96
Maine.....	2,787 40
Rhode Island.....	1,114 96
Pennsylvania.....	13,000 00
Ohio.....	10,592 12
Wisconsin.....	3,344 88
Michigan.....	3,000 00
Vermont.....	1,672 44
West Virginia.....	2,672 44
New Hampshire.....	1,650 00
Massachusetts.....	5,574 80
	<hr/>
	89,955 48

This sum so contributed by the States has been expended in the purchase of the grounds, amounting to ten acres, inclosing the same by a

substantial stone wall, amounting to the sum of \$25,000, the building of a lodge-house, at a cost of \$5,500, the removal and burial of about five thousand bodies, and in the preparation, planting, ornamentation, and adornment of the grounds, all of which has been accomplished in a strictly economical manner, and at the smallest possible expense.

This sum, however, has proved inadequate to the completion of the cemetery, and it will require a sum of not less than \$15,000 to perfect and finish it, and put it in condition to hand over to the General Government for its care and preservation.

The foregoing States by their assumption of the work of providing a suitable resting-place for the remains of those who fell on the battle-field of Antietam, and by their appropriations for that purpose, in round numbers amounting to the sum of \$90,000, have relieved the General Government from the discharge of this sacred duty.

But this sum being insufficient to complete the work, the board of trustees confidently appeal to the patriotism and justice of Congress to supply the deficiency by asking it to make the necessary appropriation of \$15,000, so that as soon as completed the same may be transferred to the General Government, and placed on the same footing as other national cemeteries.

Your memorialists, therefore, pray your honorable bodies to make an appropriation of \$15,000 for the purpose indicated; and, as in duty bound, they will ever pray, &c.

G. L. CRANMER.

President Antietam National Cemetery Association.

J. M. EDMUNDS,

E. A. CARMAN,

Committee in behalf of Board of Trustees.

TRUSTEES.—*Maine*, Hon. J. G. Blaine; *New Hampshire*, Hon. L. D. Mason; *Vermont*, Maj. W. Rounds; *Massachusetts*, Mr. Henry Edwards; *Rhode Island*, Hon. B. Lapham; *Connecticut*, Dr. S. Rutledge McNary; *New York*, Gen. H. W. Slocum; *New Jersey*, Gen. E. A. Carman; *Pennsylvania*, Gen. James S. Negley; *West Virginia*, Hon. G. L. Cranmer; *Ohio*, Gen. George B. Wright; *Indiana*, Hon. W. S. Holman; *Minnesota*, Hon. Alex. Ramsey; *Michigan*, Hon. James M. Edmunds; *Wisconsin*, Hon. H. D. Barron; *Maryland*, Gen. E. Shriver, Hon. J. H. B. Latrobe, Hon. D. Weisel, Mr. Thomas A. Boult.

MAIL SERVICE IN CALIFORNIA.

RESOLUTION

OF

THE LEGISLATURE OF CALIFORNIA,

RELATIVE TO

Mail-service from Caliente to Lone Pine, California.

JANUARY 18, 1876.—Referred to the Committee on the Post-Office and Post-Roads and ordered to be printed.

Resolved by the assembly (the senate concurring), That our Senators in Congress be instructed, and our Representatives requested, to use all honorable means in their power to procure an increase of the mail-service on mail-route No. 46138, from Caliente, in the county of Kern, to Lone Pine, in the county of Inyo, in the State of California, by changing said service from a tri-weekly to a daily mail.

Resolved, That his excellency the governor be requested to forward a copy of the above resolution to each of our Senators and Representatives in Congress.

G. J. CARPENTER,
Speaker of the Assembly.
B. F. TUTTLE,
President of the Senate.

Passed the assembly December 22, A. D. 1875.

ROBT FERRAL,
Clerk of the Assembly.

Passed the senate January 4, A. D. 1876.

T. J. SHACKELFORD,
Secretary of the Senate.

This bill was received by the governor this 7th day of January, 1876.

E. W. MASLIN,
Private Secretary of the Governor.

W. B. SPENCER vs. FRANK MOREY.

P A P E R S

IN THE CASE OF

W. B. SPENCER VS. FRANK MOREY.
FIFTH CONGRESSIONAL DISTRICT OF LOUISIANA.

JANUARY 19, 1876.—Ordered to be printed.

NEW ORLEANS, *January 6, 1875.*

Hon. FRANK MOREY, *present*:

DEAR SIR: As I contest your seat in the Forty-fourth Congress as Representative of the fifth district of Louisiana, and as you will be absent from this State during the next thirty days, I request that you designate an agent or attorney upon whom I may serve the formal notice of contest required by law, and who may also represent you in taking depositions and other evidence in the case.

Respectfully and truly, your obedient servant,
WM. B. SPENCER.

NEW ORLEANS, *January 6, 1875.*

In compliance with the above request, I do hereby appoint and constitute John Ray and J. Ennemoser, or either of them, my agents, for me, and in my behalf and name, to receive and accept or acknowledge service of notice of contest by W. B. Spencer of my right to a seat in the Forty-fourth Congress as Representative of the fifth district of Louisiana; and I do hereby declare and agree that service of said notice on either one of my said agents, or its acceptance or acknowledgment by either of them, shall and will be as binding on me as though served on me personally.

FRANK MOREY.

Notice.

VIDALIA, LA., *January 12, 1875.*

Hon. FRANK MOREY:

DEAR SIR: You are hereby notified that I will and do contest your right to a seat in the Forty-fourth Congress as a Representative from the fifth congressional district of Louisiana. I claim to have been

duly and legally elected as the Representative from said district at the election held in this State on Monday, the 2d day of November, 1874.

This contest I base on the following grounds, to wit:

I. I claim to have received the following majorities over you in the following parishes, as shown by the official returns in said election, to wit:

In Caldwell	you received	401	and I	540	votes;	my majority,	139
In Catahoula	"	"	742	"	"	838	"
In Claiborne	"	"	663	"	"	1,375	"
In Franklin	"	"	80	"	"	485	"
In Jackson	"	"	94	"	"	534	"
In Lincoln	"	"	543	"	"	934	"
In Richland	"	"	441	"	"	734	"
In Tensas	"	"	1,097	"	"	1,851	"
In Union	"	"	439	"	"	1,155	"

Making my total majorities 3,946

While your majorities, as per official returns, over me were in the following parishes, as follows:

In Madison	I received	759	and you	1,319	votes;	your majority,	560
In Morehouse	"	"	668	"	"	1,005	"
In Ouachita	"	"	759	"	"	1,702	"
In Concordia	"	"	489	"	"	1,601	"

Making your majorities as returned, total 2,952
From this total should be deducted 450

Leaving your total majorities 2,502

The above deduction of 450 is made on account of the fifth ward or poll of Concordia Parish having been illegally returned and counted, for reasons hereinafter stated.

II. I claim and charge that the State returning-board wrongfully and illegally canvassed and counted pretended and forged returns from Carroll Parish, whereby you were given a majority over me in said parish of 1,920 votes. I oppose the counting of any votes in Carroll Parish, for the following reasons:

1st. Because there was no legal or valid election held in said parish on 2d November, 1874. The illegalities, frauds, and wrongs committed and practiced by your partisans and friends were of such gravity and number as to render the said election null and void, as not indicating the will and choice of the people thereof.

The supervisor of registration and election in said parish was the mere tool of George C. Benham and others of your supporters; the said Benham being himself a republican candidate for State senator in the district of which Carroll is part. The said Benham, in his and your interest, governed, ruled, and controlled the police-jury of said parish, and through it procured the appointment of his and your friends; exclusively, as commissioners of election at the various polling-places, in violation of the election laws, which required that the commissioners at each poll should be of different political parties.

At ward or poll No. 1 in said parish, the said commissioners, in violation of the law which secures to each voter the right to deposit with his own

hand his ballot in the ballot-box, placed the ballot-box at said poll in a high or second-story window, and in a room to which the public were not admitted, said window being so far above the ground as to render it impossible for the voters to reach it and deposit their ballots; and all the voters at said poll were compelled to place the ballots on the ends of long sticks or canes, and thus hand them up to said ballot-box, where they were received and taken by others, the said voters being unable to see or know what became of their said ballots. Many of the ballots so handed up were torn up or changed, or not deposited in the ballot-box, and numbers of ballots were handed up by one individual in this way.

At ward or poll No. 2 in said parish, on said 2d November, 1874, the said George C. Benham and others of your partisans did by unlawful and violent conduct and threats intimidate the colored voters of said parish, and snatched their ballots from their hands as they approached the polls to vote, and forced them to take and vote other ballots than those they had and were going to vote, thereby wrongfully and fraudulently procuring by force and intimidation votes in his and your interest; which violent conduct was persisted in throughout said day at said poll, in violation of the freedom of election secured by law.

At ward or poll No. 3 in said parish, R. K. Anderson, a commissioner of election and partisan of yours and Benham's, did, while receiving ballots, deface and obliterate names of candidates thereon with pen and ink, with intent and purpose of changing the results of said election in the interest of his party. No legal count or return of the votes at said poll was made, but the said Anderson took and carried away from the voting-place the ballot-box, with the ballots, lists, &c., and refused to count the same; said box having been carried off to Anderson's private residence, and from that day kept concealed or destroyed.

At these three polls or wards at least five-sixths of the votes of the parish were cast. At all of them the frauds, wrongs, and illegalities were so flagrant and outrageous as to destroy all certainty, and to render the result no evidence of the popular will. At each and all of said polls more ballots were put in the boxes than there were voters. The commissioners who held said election were not appointed and sworn as the law directs, nor at any of said polls were the votes lawfully counted, nor returns made and sworn to, as the law directs. On the contrary, your partisans at once seized upon all the ballot-boxes, with the ballots, lists of voters, and other papers, concealed and still conceal them, in order to facilitate their unlawful and wrongful purpose of manipulating, changing, and falsifying the same.

The law requires that the registrar or supervisor of election shall forthwith, after the election, deposit in the office of the clerk of the district court of the parish the ballot-boxes, with the ballots, lists of voters, tally-sheets, and other evidences of the election. The registrar or supervisor of said parish, being a mere tool and dependent of said Benham and your other friends, conspired with them to change the results of said election, and, instead of making said deposit as required by law, carried said boxes, ballots, lists, &c., away from the parish to New Orleans, and never has deposited them as required by law, and although judicial process has been resorted to obtain said boxes, ballots, &c., they cannot be found. In pursuance of said conspiracy the said supervisor deliberately and fraudulently suppressed, concealed, or destroyed the said ballot-boxes, ballots, &c., and made up and concocted false and fraudulent returns of said election, and forged or caused to be forged thereto the signatures of the election commissioners, and returned about 500 more votes than were cast in said parish, so falsifying said returns

as to destroy all evidence of the real results of said election on 2d November, 1874.

So flagrant and wrongful were the proceedings and conduct of said election, that the thirteenth district court, at the December term, 1874, thereof, in the suit of Nicholas Burton *et al.* vs. Hicks *et al.*, declared, decreed, and adjudged the election aforesaid, held in said parish on 2d November, 1874, to be null and void, and ordered a new election.

II. Because there were no returns or legal evidence in existence or before said election board of an election in Carroll Parish on the 2d day of November, 1874; and the said returning-board wrongfully and fraudulently, and with intent to defeat my election, counted and canvassed as returns of election in said parish what was in fact, and what it by its own public acts and statements declared to be, forgeries, and not returns. Said pretended returns, being forgeries, and false and fraudulent, and so proven, as admitted by said returning-board, did not constitute any evidence of said election, and should have been excluded therefore in estimating the results. But the said board, actuated by partisan purposes, and against the solemn protest of one of its members, gave full effect to said forgeries as between you and me, but disregarded them as between said Benham and J. A. Gla, his opponent, who were both republicans.

III. I claim and charge that in the parish of Lincoln, as shown by the official returns of said election, I received 934 votes, and you received 543 votes, thus giving me a majority of 391 over you; that the said returning-board, without right and without any sufficient proof, rejected 344 of my said votes, by refusing, as appears, to count the votes cast at poll 2, second ward, and polls or wards 3 and 6; by which proceeding said board wrongfully and unlawfully reduced my majority in said parish from 391 to 76 votes.

IV. I claim that the said returning-board unlawfully canvassed and counted the returns from the fifth poll or ward of Concordia Parish, and that the supervisor unlawfully returned the votes of said poll, thereby giving you wrongfully a majority of 450 more in said parish than you were legally entitled to, for the following reasons, to wit: The election laws of Louisiana require that the ballot-boxes shall be opened at the polling-place as soon as the voting is over, in presence of the public, and the votes counted publicly, and returns made within twenty-four hours after the closing of the polls. At said fifth poll the commissioners of election refused to open and count the votes at the polling, but, on the contrary, they took the ballot-box late at night, and carried it away to Vidalia, a distance of fifteen miles, and went into a private apartment and counted the votes out of the presence of the public, and made no returns thereof for two days after the election; all of which constitutes presumptive evidence of fraud and wrong.

WM. B. SPENCER.

[Telegram.]

NATCHEZ, MISS., *February 4, 1875.*

To Hon. FRANK MOREY:

Julius Aroni is my agent to receive service of your answer.

W. B. SPENCER.

Answer.

HOUSE OF REPRESENTATIVES,
Washington D. C., February 8, 1875.

WILLIAM B. SPENCER, esq. :

SIR: The undersigned hereby acknowledges your notice of contest to his right to a seat in the Forty-fourth Congress, as a representative of the fifth congressional district of Louisiana, which notice is dated Vidalia, La., January 12, 1875, and which, in accordance with our agreement, is to take effect as though served on me January 20, 1875, and for answer, denies each and severally the claims set forth by you, except so much of your statement of the vote cast for you and for me in the several parishes named by you as is in accordance with the statement of the results of the election, as ascertained and determined by the returning-officers of said election. And, further, I deny all and severally the truth of every allegation made in your notice that in anywise tends to impeach the regularity, legality, and fairness of either the registration or election in the case in contest, or that in anywise tends to invalidate the correctness of the promulgated returns of votes cast for Congressman in the fifth congressional district of Louisiana on the 2d day of November, 1874, and demand proof of your said allegations.

I. I claim that you have not the requisite constitutional qualifications for a contestant for my seat in the Forty-fourth Congress.

II. I claim that you are not a resident of the State of Louisiana, but that you are and have been for several years continuously a resident of Natchez, Miss.

* * * * *

V. I claim that I received the number of votes and the majority of votes which, by the returns of the commissioners of election of poll 5, parish of Concordia, and by the returns of the board of returning-officers of the election, I am credited with having received.

VI. I claim that I received the majority of votes credited to me in the parish of Carroll by the board of returning-officers, and that the election in said parish was conducted in accordance with law.

And, further, I claim that whatever may have been *informal* and *irregular* in the instances specified in your notice relative to the matter of registration and the conduct of the election held November 2, 1874, in the district aforesaid, such informalities or irregularities were not in my interest, but adverse, and they were not of a character to vitiate the election, nor to prevent a fair election, nor did they materially and injuriously affect the number of votes received by contestant, nor lead to a larger count of votes for me than I received and was entitled to be credited with; and all of which facts I allege are susceptible of proof.

FRANK MOREY.

NEW ORLEANS, February 18, 1875.

The answer of Hon. Frank Morey to the notice of W. B. Spencer of the contest of the right to a seat in the Forty-fourth Congress, as a Representative of the fifth congressional district of Louisiana, which answer is dated Washington, D. C., February 8, 1875, has this day been served on me as agent of W. B. Spencer.

JULIUS ARONI.

VIDALIA, LA., *February 21, 1875.*

Hon. FRANK MOREY, *Washington, D. C.*

DEAR SIR: Your telegram of the 3d instant was duly received and answered on the 4th by me, designating Julius Aroni as my agent to receive service of your answer to my notice of contest. Your answer was served on Mr. Aroni on the 18th instant, and duly forwarded to me and is in my hands.

I inclose you the duplicate desired.

I shall take pleasure in awaiting your leisure in the matter of taking testimony in our contest, as suggested by you in your favor of 11th instant. My inclination is to conduct the case so as to inconvenience each other as little as possible. I will, therefore, take no steps in the matter until your return, which I understand will be about the 8th or 10th of March, about which time I will perhaps give notice to Mr. Ray as you suggest.

My understanding of the law is that I have the first forty days, then you forty, and in conclusion I ten more.

Could we not get together and so arrange this matter by agreement as to serve our respective conveniences? It would be more pleasant and agreeable to do so. For instance, we might agree that from such a date to such a date I would take testimony in Carroll and you likewise; or, perhaps, to save two trips, we might take testimony for both at one time. I make these suggestions in the hope that our *contest* may be conducted as agreeably as our *cavass* was.

I will be pleased to have your ideas in reply by telegram or letter at once.

Respectfully and truly,

WM. B. SPENCER.

HOUSE OF REPRESENTATIVES,
Washington, D. C., March 5, 1875.

Capt. WM. B. SPENCER, *Natchez, Miss.*

DEAR SIR: Yours of the 25th instant is at hand to-day. Your understanding of the law is correct as to the time allowed to each party.

An explanatory act passed within a few days defines the ninety days to be "ninety days from the service of reply of contestee." That has been the general interpretation heretofore, but this makes it definite.

I am disposed to be as accommodating in this matter as you are, and will try and agree with you in any arrangement for our mutual convenience.

If you will, on receipt of this, write me at box 1856, New Orleans, and let me know when and where you wish to commence, what time would suit you best to be in Carroll and any other parishes in which you intend taking testimony, I will let you know how near I can conform my movements and business to it, and suggest such modifications of your programme as may appear to me to be necessary.

I presume you will prefer to commence in Concordia; if so, let me know when you wish to commence.

If the 18th or 20th instant will suit you better than earlier, it will suit me quite as well.

Yours truly,

FRANK MOREY.

The notice of contest by Wm. B. Spencer of my right to seat in Forty-fourth Congress, hereinabove printed, was duly served on me through my agent, John Ray, on 20th January, 1875, as per agreement made by said Spencer and myself.

FRANK MOREY.

The above statement is correct.

WM. B. SPENCER.

Agreement to take evidence in the case of Wm. B. Spencer vs. Frank Morey, fifth congressional district of Louisiana.

In the matter of the contest of Wm. B. Spencer vs. F. Morey, for seat in the Forty-fourth Congress as representative of fifth district of Louisiana, the following agreement has been made by the parties in order to save time and labor in taking testimony in said cause and to avoid as much inconvenience as possible :

1st. We will take such testimony as may be desired for contestant and contestee in Concordia Parish, between the 20th March, 1875, and 3d April, 1875, at Vidalia, at such time between said dates as said Morey or his representative may be present.

2d. We will commence at Providence, Carroll Parish, to take testimony for both parties on 26th April, 1875, and continue, if need be, till 7th May, 1875.

3d. We will commence to take such testimony as may be offered by either party at Vienna, Lincoln Parish, on the 12th day of May, 1875, (or such earlier day as may be hereafter agreed upon by the parties,) and continue till completed.

4th. As we have fixed the times and places for taking testimony in the parishes of Concordia, Carroll, and Lincoln, we waive and dispense with any further notice thereof, and we dispense with notice of the names of witnesses to be examined therein, each party having the right to summon and examine such witnesses as he may desire, it being distinctly understood and agreed that no testimony is to be taken before both parties are present in person or by attorney ; provided the delay shall not exceed three days in either case.

5th. When we meet at said places and times herein fixed, the testimony will be taken in the following order : Spencer will first examine his witnesses ; then Morey will examine his, and Spencer may then examine witnesses in rebuttal.

6th. Such testimony, if any, as either party may desire to take outside of the three parishes named will be taken after notices of time, place, and names of witnesses are given to the other party, and so as not to interfere with the proceedings hereinabove fixed ; said testimony not to be taken after 21st May, 1875, without further consent of parties.

7th. Said testimony may be taken and certified by and before any judge or justice of the peace of the State of Louisiana for the parishes wherein said testimony may be taken ; and the certificate of said judge or magistrate of his own capacity as such shall be sufficient authentication.

This 15th March, 1875.

WM. B. SPENCER.
FRANK MOREY.

[Duplicate.]

Supplemental agreement.

WM. B. SPENCER }
 vs.
 FRANK MOREY. }

The sixth clause of our agreement to take testimony of date 15th March, 1875, is hereby abrogated, and in lieu thereof we agree that we will take such testimony in New Orleans as either party may desire to offer, in the order and manner provided in the fifth and seventh clauses of our said agreement, said evidence in New Orleans to be taken between the 13th and 21st of April, 1875, and we waive notices of time and places and names of witnesses to be examined in New Orleans; no testimony to be taken, however, without both parties being present by themselves or counsel.

The second and third clauses of our said agreement are modified that we will continue to take testimony in Carroll with both parties and through, and that within five days after closing in Carroll we will commence in Lincoln to take testimony, and continue till completed.

After finishing in Lincoln no testimony to be taken except by consent of parties or by order of the House of Representatives.

W. B. SPENCER.
 FRANK MOREY.

APRIL 13, 1875.

W. B. SPENCER }
 vs.
 FRANK MOREY. }

APRIL 13, 1875.

In taking testimony in New Orleans we agreed that the questions propounded need be written down only when either party requires it; the intent hereof being to waive any informality as to the manner of taking said testimony.

W. B. SPENCER.
 FRANK MOREY.

TESTIMONY TAKEN IN NEW ORLEANS.

TESTIMONY FOR CONTESTANT.

Testimony of Charles Cavanac.

W. B. SPENCER }
 vs.
 FRANK MOREY. }

Before me, E. North Cullom, the judge of the fifth district court of the State of Louisiana, in and for the parish of Orleans, personally appeared Charles Cavanac, a witness called on behalf of the contestant, W. B. Spencer, who, being by me duly sworn, makes the deposition which is hereto attached, and which was reduced to writing in words and figures as follows, at the city of New Orleans, in the State of Louisiana, on this the 17th day of April, A. D. 1875:

W. B. SPENCER, contestant, offered to introduce Charles Cavanac as *a witness.*

(Objected to by Mr. Frank Morey, on the ground that Mr. Cavanac was in no way officially connected with the election in the fifth congressional district; was not a member of the returning-board to whom the returns of election were returned; is not a resident, and was not in the fifth congressional district during the time of election on the 2d day of November, 1874; has not had official charge or custody of any election returns in the fifth congressional district; and as I understand, has no evidence to give of his own knowledge as to what transpired at the election in the fifth congressional district on the 2d day of November, 1874.)

CHARLES CAVANAC sworn for the contestant.

I reside at No. 394 Bienville street, New Orleans. During the last election I was in the city of New Orleans. I was appointed by the conservative party to be present at the counting of returns and canvassing of votes before the returning-board under an arrangement between the returning-board and the two political parties—the democratic and the republican. I was present all the time, from the first day until the canvass was got through. I was present when the returns for the parish of Carroll were taken up, and until they were canvassed and closed. There were several affidavits before the returning-board, alleging that the returns that were brought before the returning-board were forgeries; and there was an affidavit from a Mr. Blount, United States supervisor of that parish, that he was refused permission to examine any returns from that parish; that he had made several attempts to examine them and was refused every time; that he attempted to get permission to examine the returns that should have been filed in the clerk's office of that parish, but was unable to examine them from the fact that they never had been filed there. There was an affidavit from a Mr. Bagley, commissioner, that the returns then before the returning-board, with his name there attached, was a forgery. Being a commissioner, he examined the returns, and said the signatures were forged and the results falsified. Also, an affidavit from the same party, Mr. Bagley, that the signature of Mr. Spann, who was also a commissioner, to the returns before the returning-board was a forgery. There was an affidavit, I think, from Mr. Montgomery that the returns before the returning-board bearing his signature was also a forgery. The returns before the returning-board showed that Mr. Gla, who was running in that parish for the State senate in that senatorial district, had received some two hundred and odd votes in that parish, and that Mr. Benham received some two thousand and odd votes in that parish. The returning-board changed the result, as alleged, on account of the returns being forged. They increased Gla's vote, I think, to 800, if I am not mistaken, and decreased Mr. Benham's vote, I think, to some 1,300. The returning-board had on former occasions refused to count returns where the returns were alleged and proved to be forgeries, or tampered with, stating that they had no right to canvass any returns that were not in proper shape and before them; that being forged, they had no right to canvass and count them. They changed their ruling in the parish of Carroll, although admitting that they were forged and tampered with. In the case of De Soto, the returning-board refused to count duplicate original returns, but I do not recollect the grounds taken. The supervisor of that parish brought the returns from that parish here in the city. We ascertained that he was tampering with these returns, and not delivering them to the returning-board, as he should have done. He was arrested on a warrant, and brought before a United States commissioner, and he agreed to bring and give a copy of these returns to Major Burke,

as he had them in possession before the United States commissioner, who agreed to deliver to the returning-board that night the returns of that parish. He failed to do so; he never did. I brought it to the notice of the returning-board that these returns were then in the hands of a public prostitute, and for sale; and asked the returning-board to take some action on the matter. The returning-board (Governor Wells president) said they had no right to take any action outside of what was before them; they had no right to canvass anything unless it came before them. I then requested them to take action and bring it to the notice of the attorney-general. They brought it by a resolution to the notice of the attorney-general. The attorney-general never took any action, except that the President of the board stated verbally that the attorney-general could not do anything in the matter. I then asked that the returning-board should bring or give an order to have brought from the parish of De Soto the original returns then on file in the clerk's office, and have them brought before the returning-board. Governor Wells said that he could not do it, or that it was the duty of Moncure to take action. I asked him "Why it was more the duty of Moncure than of anybody else?" He said "Nobody else was interested." I said then, "Governor, suppose we get the original returns, ballot-boxes and all, and prove their correctness, will you then count them?" He said they would be bound to do so. We sent to De Soto, and had the original returns brought down, the ballot-boxes still sealed as delivered to the clerk of the court, and presented them to the returning-board. They refused then to canvass these returns, as they did not come through the regular channel. An action was brought by way of mandamus in the superior district court to compel the returning-board to canvass these returns. That suit was dismissed, I believe, on the ground that the courts had no jurisdiction of the matter. I think that was the decision. In the De Soto case they refused to count the duplicate returns because they said they could count no returns unless they came through the regular channel, and in that case they decided that the supervisor of registration was the proper party. They counted all of these returns of the parish (Carroll) against Mr. Spencer in the parish of Carroll after the proofs were all before them, showing the forgery of the returns from that parish, and changed them so far as the other officers who were republicans were concerned. This affidavit of W. A. Blount, dated 28th November, 1874 is not the one the contents of which I have spoken of above. There was also an affidavit of T. S. Barton that George C. Benham, one of the republican candidates for State senator in that senatorial district, was seen in the city of New Orleans on a certain occasion fixing up returns in a house up town. The New Orleans Republican is the official journal of the State, and was such on the 25th December, 1874, and has been for several years. The New Orleans Republican of the 25th December, 1874, hereto annexed, contains the address of the returning-board, and the official promulgation of the fifth congressional district, and also the official promulgation of the election for senator in the district of which the parish of Carroll forms a part. I offer the New Orleans Republican of December 25, 1874, in evidence. [Marked Exhibit A, and hereto attached.] I also state that the affidavits hereto annexed, and marked Exhibit B, are part of the affidavits which were before the returning-board in the Carroll Parish case. I also state that the affidavits of F. F. Montgomery, Nicholas Burton, and John W. Scott, hereto annexed and marked Exhibit C, (see appendix for Exhibits A, B, and C,) are a part of the affidavits which were before the returning-board in the Carroll Parish case. I was present at the time Lincoln Parish was canvassed by the returning-board. There were a

number of cross-marked affidavits filed by Judge Ray, the counsel representing the republican party, alleging that a certain quantity of colored citizens of that parish who had been registered in that parish were refused the right to vote. I got the poll-list of that parish, which was incomplete—the list of those who voted. By comparing it with the affidavits—the number of their registration papers with those on the affidavits and their names—I found that a large quantity of these negroes had voted; their names and the number of their registration papers corresponded. I called the attention of the board to that fact, and asked them to examine it themselves. They refused even to examine themselves and compare them. I called the attention of Judge Ray to that fact. I then called the attention of the president of the board to that fact, as it had been the first quantity of these cross-marked affidavits before the board. I called his attention to it, that he might examine for himself; that he would see there on that tally-list that a large quantity of these negroes had voted. They refused even then to examine it, and Mr. Anderson, a member of the board, simply laughed, and shrugged his shoulders, and said, “The Greens didn’t do it well.” The Greens were a family occupying all the public offices in that parish, and generally run the elections. There were several hundred votes thrown out in that parish—three hundred and some odd.

Cross-examined by Mr. MOREY, reserving all objections made at the commencement of this examination:

Question. Do you state that the so-called report of the returning-board in the Republican of December 25 is an official promulgation of the returning-board?—Answer. I so understand it.

Q. What official character had Mr. Blount?—A. He was United States supervisor.

Q. Under the law, to whom does he make his returns?—A. To the chief United States supervisor; that is, Mr. Wolfley.

Q. Do you know whether he made any such returns?—A. I do not know, sir.

Q. Do the affidavits made by him that you refer to purport to be a copy of official returns made by him?—A. No, sir; simply an affidavit that he could not get at the returns at all; that he could not make an official return because he was not permitted to examine the returns.

Q. Then it was an *ex-parte* affidavit made before this board?—A. Before a justice of the peace that he was unable to make any official promulgation, to examine the returns, after making several attempts to do so.

Q. Will you look at the report of the New Orleans Picayune of Saturday, December 19, 1874, printed December 18; do you recognize the statement of that protest of Mr. Arroyo as containing copies of the affidavits of E. M. Spann, R. M. Bagley, and T. P. McCandless?—A. There was an affidavit of that kind, but I do not know its contents.

Q. You do not recall them?—A. No, sir; it is impossible to remember it all; I do not remember the figures.

Q. There were affidavits made by these different parties, Spann, Bagley, and McCandless?—A. Yes, sir.

Q. Showing the vote as between the different candidates therein named?—A. No, sir. I do not recollect what the affidavits contained; I do not recollect the figures.

Q. Is De Soto Parish in the fifth congressional district?—A. I do not think it is, sir.

Q. Will you state what offices the Greens hold in the parish of Lin-

coln?—A. Green is senator; his son is judge; another son, I think, is tax-collector, if I am not mistaken. I know I heard him state before the congressional committee that pretty much every member of his family was a public office-holder. I do not know how many there are in the family, but I think they all occupy a public office. I do not believe there is one in the family that don't, except the old lady.

Q. Do you know who was the recorder of Lincoln Parish?—A. No, I do not.

Q. Do you know who was sheriff of Lincoln Parish?—A. No, sir. I merely state what I heard him state before the congressional committee—that all his family held public office; he went through them all. I have a distinct recollection of that. What offices they were holding I do not know. I know he was State senator, because I heard him state that he was; and I heard him state that all his family were holding office. I think he stated that there was none of his family that did not hold office.

Q. Do you state that the returns in Lincoln Parish were rejected on account of the cross-marked affidavits that were offered?—A. Yes, sir. There were some 300 votes thrown out of that parish, rejected, so far as representatives were concerned and Congressman, and counted for the balance of the officers.

Q. Were there not affidavits before the returning-board in connection with the election in the parish of Lincoln from the commissioners of election to the effect that there was intimidation at the polls on election day?—A. I have no recollection of an affidavit of that kind, sir. There might have been, but I do not remember it.

Q. Were there any affidavits made by parties who signed their own names?—A. I did not see one.

CHAS. CAVANAC.

Sworn to and subscribed before me on this the 17th day of April, 1875, at the city of New Orleans, in the State of Louisiana.

E. NORTH CULLOM,

Judge Fifth District Court for the Parish of Orleans, La.

The documents hereto annexed and marked respectively Exhibits D, E, F, G, and H, were offered in evidence by Mr. Spencer. (See Appendix.)

Testimony of Oscar Arroyo.

W. B. SPENCER }
 vs. }
 FRANK MOREY. }

Before me, E. North Cullom, the judge of the fifth district court of the State of Louisiana in and for the parish of Orleans, personally appeared Oscar Arroyo, a witness called on behalf of the contestant, W. B. Spencer, who, being by me duly sworn, makes the deposition which is hereto attached, and which was reduced to writing in the words and figures as follows, at the city of New Orleans, in the State of Louisiana, on this the 17th day of April, A. D. 1875:

OSCAR ARROYO sworn for the contestant.

Question. Mr. Arroyo, were you a member of the returning-board?—Answer. Yes, sir, I was.

Q. Were you present at the time that board was canvassing the re-

turns of Carroll Parish ?—A. I compiled them with General Anderson, another member of the board.

Q. I will ask you if the returning-board did not as a fact recognize that the returns from the first, second, and third wards were forgeries—that the signatures were forgeries ?—A. I detected the forgery myself, because I knew the signature of Mr. Spann. I knew his signature, and I detected the forgery. For the second ward I think Mr. Montgomery was commissioner. I knew his signature, and I detected it to be a forgery. For the third ward, when I opened the returns and tally-sheet a gentleman was present who leaned over me and said, "This signature to the returns and tally-sheet is a forgery." He said his name was Bagley; besides, he said that the tally-sheet which accompanied the returns was written by him in red ink, whereas the tally-sheet which was before the board was written in black ink. In the fourth and fifth there were discrepancies between the official returns and the statement under oath of the commissioners.

Q. Well, now, Mr. Arroyo, I will ask you whether or not, in making the canvass of that parish, if the returning-board did not recognize it as a fact that the returns of the first, second, and third wards were forgeries ? Here in this address by Mr. Wells, president of the board, in the Republican of the 25th December, 1874, he says that the returns from that parish were shown to have been changed in the cases of Carroll, Saint Helena, and Saint James, where it was charged and proved that they had been changed after they came into the hands of the supervisors—they admit that it was proved that these returns were changed; for instance, Spann, Montgomery, and Bagley proved that they were forgeries of the official returns ?—A. Yes, sir.

Q. The board did so recognize these returns as forgeries ?—A. That is, there were affidavits read before the board by these three gentlemen stating the actual number of votes cast in their respective polls, and if there was any other statement it was false, and their signatures to such statement forgeries.

Q. Mr. Arroyo, by what process did the majority of that board undertake to count the whole of these returns against Mr. Spencer for Congress and Moncure for treasurer when the returns were proven to be false and forged ? Can you explain the process by which the majority of that board arrived at their right to count them ?—A. Well, sir, they gave no reason. When I saw it was the determination to count the vote of that parish upon forged returns I then filed a protest, which ought to be a part of the minutes of that board, but which was never entered. In all of its decisions the board gave no reasons at all.

Q. Was it not a fact that the board while counting all these forged returns against Spencer and Moncure disregarded them as between Gla and Benham and other republican candidates ?—A. So far as that is concerned, Governor Wells, president of the board, relied entirely upon Mr. Blount's statement in relation to the senatorial vote, because that statement referred only to the senatorial election.

Q. Did not the returning-board in the case of De Soto Parish refuse to count duplicate original returns from the clerk's office in that parish ?

(Objected to by Mr. Morey, as irrelevant, De Soto not being in the fifth congressional district.)

A. The duplicate original returns of the parish of De Soto were handed by me to the clerk of the court of that parish. They were opened, together with the tally-sheets, and spread on the table. The president of the board would not recognize them as returns, alleging

for a reason that they did not come through the proper channel, to wit, the assistant supervisor of registration for that parish.

Q. These duplicate returns which you offered, were they those given to you by the clerk of the court?—A. They were given to me by Mr. Reynolds, clerk of the district court for the parish of De Soto, who was present before the board.

Q. How did the board reconcile their action in refusing to count duplicate original returns in De Soto, after counting forged returns in Carroll?

(Objected to by Mr. Morey, on the ground that the returning-board is not a party to the contest.)

A. The decisions of the board were generally given by Governor Wells, its president, without any reason.

Cross-examination by Mr. MOREY:

Q. Mr. Arroyo, did you make an official protest to the action of the board in regard to the Carroll Parish contest?—A. I did, sir.

Q. Will you be kind enough to look at the Picayune of the 19th December, 1874, and read what is published there in its columns as the protest of Mr. Arroyo; will you be kind enough to look at that, and let me know whether that is a copy of your protest?—A. Though it is not signed by me, it is evidently my protest, for I recognize all the points that I made in that. I have kept a copy of it. (After further inspection) it is my protest, sir.

Q. The various affidavits referred to in that were before the board?—A. Yes, sir. I took the data from them. The Picayune hereto annexed, and marked Exhibit J, contains a copy of my protest. (See appendix.)

Q. Mr. Arroyo, did not Governor Wells, on behalf of the other members of the board, submit a reply to your protest?—A. Yes, sir.

Q. Will you be kind enough to look at that extract of the Republican of December 20, 1874, and let me know whether that is a copy of the reply of Governor Wells to your protest?—A. Yes, sir, it is. (Reply of Governor Wells to Mr. Arroyo's protest and affidavit of W. A. Blount hereto annexed and marked Exhibit K. See appendix.)

Q. You have stated the board gave no reasons why they did not change the vote so far as the other candidates besides Gla and Benham were concerned; did they not give these reasons in their answer to your protest?—A. At the time the board decided the Carroll Parish case there were no reasons given. My protest was handed in the next day, and subsequently, a few days afterward, Governor Wells made this answer to my protest, in which he gave his reasons for deciding that way; but he mainly relied on Mr. Blount's testimony, saying that he was a sworn officer.

Q. Mr. Arroyo, was there any evidence before your board that the returns from poll 5 had been changed?—A. Let me refer back to my protest, if you please. There was only a change so far as the senatorial election was concerned.

Q. At poll 2 was there any evidence before the board that the returns had been altered as far as the vote between Mr. Spencer and myself was concerned?—A. There was no evidence of change of the vote, except so far as senator was concerned.

Q. Do you recollect, Mr. Arroyo, how much Mr. Spencer's vote was increased, and how much mine was decreased, by the statement of the votes cast, as made in the affidavits of Mr. Spann, Mr. Bagley, Mr. Millican, and Mr. McCandless?—A. No, sir; I cannot say; but there was considerable difference. I could not exactly remember the figures.

OSCAR ARROYO.

Sworn to and subscribed before me at the city of New Orleans this 17th day of April, A. D. 1875.

E. NORTH CULLOM,
Judge Fifth District Court for the Parish of Orleans, La.

Mr. Spencer offered in evidence the certified copies of the official returns for Lincoln Parish, hereto annexed and marked Exhibits 1, 2, 3, 4, 5, 6, and 7, respectively. (See Appendix.)

THIRTY-SEVEN.

Deposition of F. C. Zacharie.

W. B. SPENCER }
 vs. }
FRANK MOREY. }

Before me, E. North Cullom, the judge of the fifth district court of the State of Louisiana, in and for the parish of Orleans, personally appeared Frank C. Zacharie, a witness called on behalf of the contestant, W. B. Spencer, who, being by me duly sworn, makes the deposition which is hereto attached, and which was reduced to writing in the words and figures as follows, at the city of New Orleans, in the State of Louisiana, on this the 17th day of April, 1875.

F. C. ZACHARIE, sworn for the contestant.

Question. Mr. Zacharie, please state your residence.—Answer. I reside at No. 44 Exchange alley, in the city of New Orleans; had resided there at the time of the election and since the election of 1872.

(Mr. Morey objected to the testimony of Mr. Zacharie, on the ground that he was in no way connected with the election in the fifth congressional district; was not a member of the returning-board to whom the returns of election were returned; is not a resident, and was not in the fifth congressional district during the time of election on the 2d day of November, 1874; has not had official charge or custody of any election returns in the fifth congressional district, and, as I understand, has no evidence to give of his own knowledge as to what transpired at the election in the fifth congressional district on the 2d day of December, 1874.)

Q. Please state, Mr. Zachary, what connection you had with the State returning-board during the last election?—A. I was one of the committee of five for the purpose of attending the sessions of the returning board to look after the interests—the count and canvass—of the candidates on the democratic ticket. I was at first refused admittance by the president of the board, together with two of my colleagues; and on his request to show on what authority I appeared, I exhibited that clause of the act which entitles the candidates to a hearing before the board. I was at last admitted to witness the proceedings, and to make any objections, and generally represent the interests of the candidates upon the democratic ticket. I was present at the sessions of the board from the 11th day of November to the 14th day, I think, of December, constantly, from day to day, witnessing the canvassing of the returns as sent up by the different supervisors of registration from the different parishes; witnessing the revision and tabulation, canvassing and compiling of these returns. I was present when the package containing the returns from Carroll were opened, and on inspection of them became satisfied

that the polls from three wards were forgeries. I had, also, affidavits and proofs forwarded, showing that there had been intimidation, irregularity, and fraud practiced in that parish on democratic suffragans and a portion of the republican party also, and therefore made a report against the compiling and canvassing of the returns of that parish; that protest being subject to the original protest which we had made, in which we objected to any verbal protest or any protest other than that provided in the twenty-sixth section of the act being entertained. The protest I made in Carroll was subject to the decision as to the validity of a verbal protest not made according to law. I also filed at the time affidavits of Mr. Blount, (two affidavits,) United States supervisor of registration, on behalf of the democratic party in that parish. I also filed an affidavit of Mr. Barton, to the effect that Mr. George C. Benham, candidate on the regular republican ticket in that senatorial district, had been discovered in a house on the corner of Jackson and Laurel streets, I believe, with the tally-sheets of that parish before him, engaged in altering them. The affidavits from the three polls were signed by Mr. Montgomery at one poll, Mr. Bagley at another, and the third party's name I have forgotten—Spanu, I think it was—who assisted at the election either as commissioners of election or as clerks, and who swore that such and such results had been the issue of the election held at their polls, and that the returns were turned in showing a different result. Mr. Bagley made a subsequent affidavit, in which he alleged that the tally-sheet purporting to exhibit the correct return from that poll was a forgery in two respects: First, that the signature which purported to be his signature was not his signature; and, secondly, that the true, original tally-sheet had been made out in red ink, whereas the one exhibited before the board was made out in black ink. The affidavit of Mr. Blount, United States supervisor, set forth that he had had no way of verifying the results as set forth by these returns in the possession of the board, because the duplicates, as required by law, had not been filed with the clerk of the court. He had been unable to obtain the result for other officers voted for, but that he had got afterward the result of the election for senator, from which it appeared that an alteration had been made in the poll-sheets and in the supervisors' of registration compiled statement, increasing the vote of Benham about 1,300 votes and decreasing Gla about 600. I have stated the above from my recollection of what transpired, without being able to consult my notes or memoranda. I have now examined the affidavits—copies purporting to be copies of the affidavits of F. F. Montgomery, Nicholas Burton, and John W. Scott, marked Exhibit C; also the one of W. A. Blount, R. M. Bagley, T. S. Burton, Thomas F. Montgomery, and W. B. Dickey, marked Exhibit B, which I believe to be true and correct copies of the affidavits produced before the returning-board—as well as the protest in answer to the protest of Mr. Arroyo, of Governor Wells, president of the returning-board, together with the two official promulgations of the returns of the fifth congressional district and seventeenth senatorial district, marked Exhibit A, and I believe them to be correct copies of the originals which they purport to be. I have also examined Exhibits K, J, D, E, F, G, and H, and I believe them to be, from my recollection, without a minute examination of the figures, correct copies of the originals from which they purport to be transcribed, and were on file before the returning-board whilst canvassing the returns for Carroll Parish. The position assumed by myself and colleagues before the returning-board in regard to the returns of the parish of Carroll was that there were no *bona fide* original data before the court which would show the true result.

of the election held in that parish on the 2d day of November, 1874; and that under the second, third, and twenty-sixth sections of the registration and election laws, in cases of fraud or other malpractices being proved to the satisfaction of the returning-board, they had no option, according to the law, but to reject from the compilation and the canvass all the pretended returns from that parish, and not to include them in the count for officers on the general State ticket for Senator and Congressman; and that under the law the election for parish officers should be referred back to the people. There was no evidence before the board to show what the correct vote for Messrs. Morey and Spencer for Congress in that parish was. The testimony of Mr. Blount did show what the correct vote was as between Benham and Gla for the senate, but he did not pretend or assume to show what was the correct vote for Messrs. Morey and Spencer. The board sustained the allegation of forgery so far as the three polls were concerned; and, while rejecting the numbers of votes shown upon the altered returns and changing them according to the evidence as between Gla and Benham, yet the board by a decision retained and counted the figures upon the altered returns as against the democratic candidate for treasurer and the democratic candidate for Congress in that district, and for parish officers. I was not present at the time of the opening of the returns from Lincoln Parish; but being told by my colleague, Mr. Cavanac, that certain affidavits of intimidation, and of parties being precluded thereby from voting, had been filed and opened with the returns from that parish, I then had access to the said affidavits, and compared the same with the list of voters forwarded up with the returns, and I thereby ascertained from the comparison that the allegation of my colleague, Mr. Cavanac, was correct; that in a large number of cases—the exact number of which I do not recollect—the parties affiant, who pretended that they had been deprived of the right of suffrage, were shown by the poll-list or list of voters to have actually voted at said election. There were some affidavits of intimidation and prevention of registration whose names I did not find upon the poll-list; and my recollection is that only a portion of the poll-list was forwarded up, and that I had no opportunity of comparison between all the poll-lists and all the affidavits forwarded up. I remember having a conversation with General Anderson, a member of the board, in regard to what Mr. Cavanac had told him about his (Anderson's) having said that the Greens had not done their work well, and Anderson laughed and said to me, "Yes, they made a botch of it." He referred then—

Mr. MOREY. Was this conversation something between General Anderson and yourself?—A. Yes. He referred then by name to Allen Green, who, he said, was a shrewd old fellow. In the parish of Concordia there was a protest entered by myself and colleagues to the count of the returns from the Vauchis poll, which, I think, is poll No. 5, on the ground that the ballot-boxes, poll-list, and other documents of the election were secretly removed during the night-time from the poll where the election was held to a distant place, and there counted by the republican commissioners and officials, without the presence of any democratic official, or of any other witnesses than the republican officials; and it was maintained in said protest that the said removal and counting in the absence of said witnesses, at a secret place other than the poll made for the election, was such a violation of law as to be *prima facie* evidence of fraud in said count, and unless said presumption were refuted that the return at said poll should not be counted. This protest was disregarded by the returning board, and they counted the returns from said poll. In regard to the

parish of Lincoln, although the matter was frequently brought to the attention of the board, and urged by myself and colleagues, and although I believe evidence was filed showing the fairness of the election in said parish, yet our protest and protestation were disregarded by the board, and I believe that they accepted the affidavits as to intimidation as correct. Of this, however, I am not certain, as I have had no means of refreshing my memory since that time.

Q. One thing I want to ask you, Colonel Zachary. The board counted as against Mr. Spencer, contestant, in the parish of Carroll the vote from the three polls wherein it was virtually admitted by the board that the statement of votes had been changed and altered, on the ground that they had evidence as to how the votes did stand *aliunde*, and yet in the parish of De Soto did they not refuse to count and canvass the returns from that parish?

(Mr. Morey objected on two grounds: first, purporting to be a question, it is an assumption of fact which I do not concede to be true; second, it refers to the proceedings of the returning-board in a parish which is not a part of the fifth congressional district.)

A. They had refused to receive the duplicate originals from the clerk's office in the case of the parish of De Soto, the original returns having been spirited away. In the parish of Terrebonne they had refused to receive the original return which had been deposited in the ballot-box by mistake of the commissioners of election, although said originals were forwarded and brought to the board by order of the district court judge compelling this clerk so to do. In the parish of Carroll, although rejecting the returns from the three polls as fraudulent and pretended, they yet upon affidavits pretended to make up what they termed the correct vote of that parish.

By Mr. MOREY. Do you mean pretended returns, or made up what they intended to be returns?—A. Yes. Thus in the cases of Terrebonne and De Soto, they refused to receive any communications showing what the election was unless said returns were regularly made up by the supervisor of registration, and by him forwarded, whereas in the case of Carroll they resorted to *ex parte* affidavits to correct and alter the forged and simulated returns to make up from such *aliunde* proof what they claimed to be the correct vote of the parish of Carroll. The board had in the case of the tenth poll, second ward, in the city of New Orleans, resorted to the ballot-boxes in order to get the original returns therefrom. This they refused to do in the case of Terrebonne. In some other instances they had resorted to the duplicates filed with the secretary of state in order to detect changes and alterations in the originals which were before the board, but in the parishes of Terrebonne and De Soto and some other parishes they refused so to do. We had filed a general protest against the board proceeding to canvass and compile the statement of returns from any poll in dispute, this being the order made mandatory by the law. In all of these cases, in violation of law, as we conceived and contrary to our protest, the board proceeded to canvass and compile all of the polls as they were reached, whether they were in dispute by protest or not. I use the words "compile" and "canvass" in the sense that they opened the returns, went through and inspected the number of votes for each officer, compared the additions, made any correction of clerical errors, footed them up, and handed them to the clerks for the purpose of having them tabulated ready for promulgation. The law especially prohibited such a manner of procedure, and this manner of procedure they pursued throughout the whole of the fifth congressional district as well as throughout the entire State. I

have examined the Exhibits 1, 2, 3, 4, 5, 6, 7, and without having had an opportunity to verify the figures I believe them to be correct copies of the votes before the returning-board in canvassing the vote for the parish of Lincoln.

Cross-examination by Mr. MOREY :

(Mr. Morey noted that he cross-examined without waiving his objections first made to this testimony.)

Q. Do you recollect, Mr. Zachary, that there were affidavits made by Spann, Bagley, Millican, and McCandless ?—A. Yes.

Q. Do you recollect that the substance of their affidavits was embodied in a protest made by Mr. Arroyo to the action of the board in Carroll Parish ?—A. I have some such recollection, but whether Mr. Arroyo's protest (Exhibit J) covered all the grounds or not I do not know. I prepared a protest of my own, which I believe did cover all the grounds.

Q. Just look at that protest.—A. I believe it is a copy of Arroyo's protest, but I cannot say it covered all the points. Some of these I examined carefully ; we generally prepared a protest of our own, covering them more particularly than he could, we being lawyers. I believe this is a correct copy of Arroyo's protest.

Q. Do you recollect, Mr. Zachary, that in the affidavit made by Mr. Spann he testified as to what the actual vote cast for Morey and Spencer was at poll 1 ?—A. I do not remember at this time at what polls the vote for Messrs. Spencer and Morey were given in any of the affidavits. My only recollection was that, taking the affidavits as a mass, no one could form an idea, in my opinion, of what the correct vote was.

Q. Do you recollect that in some of these affidavits of democratic commissioners the vote as to Morey and Spencer was given ?—A. I do, in some particulars ; but at which polls I do not remember.

Q. You do not know then, Mr. Zachary, that there was any testimony which specifically impeached the correctness of the votes as given for Congressman in the parish of Carroll ?—A. I do not know that there was any testimony which specifically stated that the vote as between Morey and Spencer had been altered. I do know that the allegation of the protest in regard to Benham's altering the returns charged that the returns had been altered *in toto*, and I do remember that the affidavit of Bagley, and perhaps one or two other parties, in regard to the forgery of their names, charged that the forged tally-sheets and returns did not correctly set forth the result of the election generally for any office. I do remember, on reflection, that perhaps one or two affidavits did show changes in the vote between Spencer and Morey to some amount, but my recollection is that it was trifling, insignificant, inconsiderable ; that it did not reach more than 75 or 100 votes—may be one changed about 21 votes, or about that somewhere ; then another one showing a difference of 10.

Q. Have you any recollection of a reply to the protest of Mr. Arroyo made by Governor Wells on the part of the board ?—A. I have a recollection of seeing such an answer published in the papers ; I think in the Times and in the Republican.

Q. In that reply did not the board give their reasons for acting as they did ?—A. If I remember, the reason for counting the votes for Spencer and Morey, and candidates other than senator, was that they relied upon the affidavit of Mr. Blount, United States supervisor, only, charging a change in the vote as between Gla and Benham, the candidates for senator. That was the reason assigned by the board, they drawing

by implication the conclusion that if that was the only point complained of; that Mr. Blount testified to the correctness of the count as between Spencer and Morey and the other candidates, whereas nothing in Mr. Blount's affidavit touched the question as between Spencer and Morey. In fact, I believe he says in the affidavit that the only vote officially reported to him was the vote for senator, and he makes no charge, nor in any way alludes to the vote as between Spencer and Morey and the parish officers.

Q. You have stated that the board counted the votes in the parish of Carroll as against the democratic candidate for treasurer and Congressman. Did they not also count the votes that were returned for these candidates?—A. They did; the votes returned from the bogus tally-sheets and returns.

Q. Then they counted all the votes that were set forth as having been cast for these candidates?—A. Yes, sir; by these bogus returns.

Q. Do you depose that all of these returns were bogus?—A. No, sir. My recollection is that there were three specifically proven to have been bogus, but in regard to the other polls I think the charge of intimidation was made at some of the polls, but I won't say all.

Q. And the returns were canvassed and counted from all the polls?—A. Yes.

Q. Those which were charged with being forged and those against which there was no such charge?—A. Yes.

Q. Do you not know attempts were made to procure evidence before the returning-board to impeach the correctness of the returns, so far as the votes cast for Congressman were concerned?—A. I am not myself personally cognizant of such attempts further than parties coming forward and volunteering statements, which I got Spencer to draw up, and affidavits. I had these gentlemen before me, and read the evidence to them in every case; and asked them what they knew about the returns; and they alleged the affidavits contained correctly what they knew about the election and returns.

Q. Did you see the statement of votes and affidavits accompanying them from the parish of Lincoln?—A. I did. They were opened. I saw them afterward. I called for them from the clerk, and was handed them, and went over them with Mr. Cavanac. I have forgotten the exact number of the affidavits regarding intimidation, which I compared and found the names in the tally-list, and my recollection is that I went as far as examining some twenty or more, but I did not give a careful, minute examination.

Q. Do you recollect whether there were affidavits made by the commissioners of election from of the polls to the supervisor of registration in regard to intimidation having existed at these polls?—A. I believe there were some affidavits made by individuals; I do not think they were forwarded up and attached, and conformed exactly to the law, but there was some compliance with the law in part.

Q. You stated that in the parish of Concordia the ballot-boxes, Vaughn's poll for the fifth ward poll, were taken from the polls to a secret place where the votes were counted. What evidence of that fact have you?—A. I believe there was an affidavit, and, if I mistake not, a report of the democratic United States supervisors from that parish to that effect.

Q. Then, in what you state in regard to that matter you depend entirely upon the statement of the supervisor?—A. Not entirely. I think there were affidavits—I know there was evidence upon that question.

Q. You state that the board pretended to make up the official returns for promulgation, or do you mean that they made up what you consid-

ered to be a pretended return?—A. I mean that they made up what I considered to be a pretended return.

Q. Was not the legality of the returns from Carroll Parish impeached by *ex parte* evidence?—A. All of the evidence before the returning-board, with the exception of some verbal testimony taken in the seventh ward of the city of New Orleans, at one of the polls, was *ex parte*.

Q. Does not the law governing elections in this State provide the manner in which objections to the election in any part of the parish shall be made?—A. It does in so far as the actual violation, fraud, or corruption in the registration or actual holding of the election. In these cases there must be the affidavits of two citizens, certified by the supervisors of registration. In all cases where the papers themselves or the returns have been fraudulently compiled, of course that fact cannot be made manifest before they are opened before the returning-board. In that case objection can be made by the returning-board. I give this as my opinion of the law. In the case of the parish of Carroll, so far as our protest related to intimidation or fraud in holding the election or registration, we only made it subject to a decision upon our general protest. We considered that we had a right to make that protest under the law at the time the returns were before the board.

Q. Will you be kind enough, Mr. Zachary, to state what section or paragraph of the law makes the express prohibition of the tabulation of the returns to which you refer in your testimony?—A. The third section of the law provides that, (see third section of the law approved November 21, 1872, in appendix marked "laws.") So that under the law the returning-board cannot investigate a protested poll until after they shall have compiled and canvassed all the uncontested returns, and they cannot count the poll or canvass or return of a contested poll until after they shall have investigated the causes that produced, and discovered them to be not well founded. If they are well founded, then they are never to canvass and compile. The law is sacramental, or, as called in the common law, mandatory, in this respect.

Q. Have you not said that the law provides that where the evidence shows that these things to which you have referred do not cause a material change in the result?—A. Yes.

Q. That the polls should be canvassed and compiled?—A. Yes.

Q. Have you any knowledge of the correctness of these copies of those papers which purport to be copies of the statement of the votes of the parish of Lincoln?—A. I have not other than that they appeared to be regular on their faces, and in one or two particulars I find the vote to be correct, or about correct, and according to my recollection; I have had no time or opportunity of comparing them, nor can I remember the exact figures in connection with each counted.

F. C. ZACHARIE.

Sworn to and subscribed before me on this the 17th day of April, A. D. 1875, at the city of New Orleans, in the State of Louisiana.

E. NORTH CULLOM,

Fifth District Court for the parish of Orleans, Louisiana.

TESTIMONY OF CONTESTEE.

Testimony of Gov. J. Madison Wells.

W. B. SPENCER }
 vs. }
 FRANK MOREY. }

Before me, E. North Cullom, the judge of the fifth district court of the State of Louisiana, in and for the parish of Orleans, personally came and appeared J. Madison Wells, a witness called on behalf of the contestee, Frank Morey, who, being duly sworn by me, makes the deposition which is hereto attached and which was reduced to writing in the words and figures as follows, at the city of New Orleans, in the State of Louisiana, on this the 17th day of April, A. D. 1875:

Gov. J. MADISON WELLS sworn for the sitting member:

Question. Will you be kind enough to state your name and residence, and what official connection you had with the election of 1874?—Answer. James Madison Wells, a resident of the parish of Rapides, State of Louisiana. I was president of the board of returning-officers. I presided at all of the meetings that were held; counted and promulgated the results of the election throughout the State for all officers voted for.

Q. Under what law was this election conducted?—A. Under the acts of 1874 and 1872; the act approved July 24, 1874, and the act approved 20th November, 1872, Nos. 18 and 127, hereto annexed and marked Exhibit Laws. (See appendix.)

Q. Do you recollect that in connection with the votes of the parish of Carroll a protest was filed by Mr. Arroyo?—A. Yes, sir; and a subsequent reply was filed by myself.

Q. Will you examine that protest of Mr. Arroyo and this reply? Do you recognize that as a copy?—A. I think it is, sir; and here is my answer.

(Protest of Mr. Arroyo and reply of Governor Wells admitted and marked respectively L and M. See appendix.)

Q. I will ask you, governor, whether this statement was afterward corrected in some respects?—A. Yes, sir; it was corrected in my report to the legislature. Report annexed and marked Exhibit N. (See appendix.)

Mr. Morey offered the report of the returning-board, which was ordered to be marked Exhibit O. (See appendix.)

Q. Can you state anything which has any special bearing upon the returns of the parish of Lincoln, or the conclusion you came to, that is not based in your report?—A. No, sir; it is all in the report.

Q. Mr. Arroyo states that the board gave no reasons for their action. — A. Did he cite the case?

Q. No, sir.

Q. Will you state the course of procedure in the board, or is that set forth in the report?—A. Yes, sir; and it states here also in the report the withdrawal of Mr. Arroyo. It always took a vote upon the adoption of a count for promulgation before it was promulgated—before it was signed—and each member assigned his reason for voting for or against.

Q. Did the board go into secret sessions?—A. Yes, sir.

Q. What transpired?—A. It was to agree upon the count.

Q. In these sessions did you discuss the questions before you?—A. All the points in dispute.

Q. Fully and freely discussed?—A. Yes, sir.

Q. Each member had a chance?—A. Yes, sir.

Q. And the results obtained?—A. All by the vote of the board. In some instances there was a unanimous vote; in others a bare majority; in others four to one.

Q. Of the members of the board?—A. Yes, sir. Where there were four to one, Mr. Arroyo voting in the negative. I do not think he signed—I do not think he signed the promulgation. I may state, sir, that he withdrew before the final canvassing and compiling for promulgation of the returns from various parishes—some six or eight. I do not know whether there were any of them in your district. I think not, however.

Q. Were all the papers that remained in your possession at the close of your labors transmitted to the secretary of state?—A. Yes, sir. The results of the labors, together with all the papers before the board in the shape of evidence, was also sent in.

Q. Did you cause official promulgation of the results to be made in the official journal of the State?—A. Yes, sir.

Q. Were they correctly promulgated?—A. Yes, sir.

Q. Examine that extract of the official journal of the 25th December, and state whether it is a correct statement of the results in the fifth congressional district?—A. Yes, sir; I think it is correct. Mr. Arroyo was not a member of the board; had resigned before this was promulgated. I offer this as a copy of the official statement of the promulgation of the votes cast in the fifth congressional district for Congressman. (Marked Exhibit P. See appendix.)

Q. The tabulation of returns that you made was done pursuant to law?—A. It was so.

Q. Were the uncontested polls and parishes compiled before those that were contested?—A. No, sir. Only in promulgating the vote of the State, I think, it became necessary to promulgate the returns of parish officers—promulgate the returns of the parishes—because by an agreement of the board we agreed to promulgate the first, I think, and the second congressional districts, and consequently had to promulgate the parishes before a general promulgation; but this was not done until we had gone through the vote according to law, and were taking up the contested precincts.

Q. Of those parishes and in this district?—A. Yes, sir.

Q. Was not that action acquiesced in by the counsel for the democratic party?—A. Yes, sir. That was the agreement before we went into the count of the votes. At first, before it was understood that our deliberations were to be secret, the count and exhibition of all the papers and evidence was to take place in the presence of the counsel and the board and the public generally. The doors were open, and everybody who desired to come in was admitted.

Mr. Morey now submitted an official copy of so much of the consolidated statement of votes cast in Lincoln Parish as relate to the vote cast for Congressman in that district and accompanying remarks, which are hereto attached and marked Exhibit Q; also, statement of votes and affidavits attached from poll 1, ward 1; poll 2, ward 1; poll 2, ward 2; poll 3, ward 3; poll 4, ward 4, and poll 5 with accompanying affidavits attached marked Exhibits 8, 9, 10, 11, 12, and 13, respectively; also, official copies of affidavits which were before the returning-board touching the election in Lincoln Parish, and marked Exhibits 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, respectively.

(The aforementioned, from Exhibit Q to Exhibit 23, inclusive, are excluded by agreement made between the parties.)

Cross-examination by Mr. CLINTON :

Q. This document, marked Exhibit J, is identical with the one Mr. Morey offered, is it not ?—these letters of Judge Dooley.—A. These letters were offered and read to the board.

Q. I will ask you, in the Exhibit marked A, if this is not the official return made by the board, showing the vote for Gla, Benham, and Brigham.—A. Yes, sir.

J. MADISON WELLS.

Sworn to and subscribed to before me, this 17th day of April, 1875, at the city of New Orleans, La.

E. NORTH CULLOM,
Judge Fifth District Court for the Parish of Orleans, La.

Mr. Morey submitted official copies of the returns, records, &c., pertaining to the election in the fifth congressional district, in regard to the election in the parish of Concordia, and in regard to the election in the parish of Carroll, and marked respectively Exhibits 21, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, and 42. (See Appendix.)

Mr. Morey also offered an extract from the platform of the party opposed to the republican party in the election of 1874, which was admitted to be correct, and marked Exhibit R; also, tabular statement marked Exhibit S, and admitted to be correct by the counsel for Mr. Spencer. (See Appendix.)

THE STATE OF LOUISIANA,
Parish of Orleans :

I, E. North Cullom, the judge of the fifth district court of the State of Louisiana in and for the parish of Orleans, do hereby certify that the within and foregoing record contains the testimony of the witnesses, Charles Cavanac, Oscar Arroyo, and Frank C. Zacharie, called on behalf of W. B. Spencer, contestant, and of J. Madison Wells, a witness called on behalf of the contestee, Frank Morey, together with all the papers produced by either party and all the certified copies of official papers produced by either party.

Thus done and given under my official signature at the city of New Orleans, in the State of Louisiana, on this the 17 day of April, A. D. 1875.

E. NORTH CULLOM,
Judge Fifth District Court for the parish of Orleans, Louisiana.

TESTIMONY IN CONCORDIA PARISH.

TESTIMONY FOR BOTH PARTIES.

VIDALIA, LA., *March 26, 1875.*

We hereby waive objections to form and manner of taking testimony this day before Hon. J. S. Meng, parish judge.

WM. B. SPENCER.
FRANK MOREY.

STATE OF LOUISIANA,
Parish of Concordia :

In the matter of the contest of William B. Spencer vs. Frank Morey, for seat in Forty-fourth Congress for fifth district of Louisiana.

Be it known that on this the 26th day of March, A. D. 1875, at the

request of the parties to the above cause, I, James S. Meng, sole presiding judge of the parish court of Concordia Parish, did cause to come before me, at my office in Vidalia, the witnesses whose names and testimony hereinafter appear, and, having duly sworn each of said witnesses to testify the truth, the whole truth, and nothing but the truth, touching the matters to be inquired of them, I proceeded to examine them, and caused their several depositions to be reduced to writing and sworn to and subscribed before me, and which I hereto annex, together with copies of notice of contest, answer of contestee, agreements as to evidence, &c., which are hereto prefixed.

Witness my hand and the seal of said court, this 26th March, A. D. 1875.

J. S. MENG,
Parish Judge.

Testimony of John F. Dameron.

JOHN F. DAMERON, sworn for both parties, says:

At the general election held on 2d November, 1874, I was at the Vaucluse poll, fifth ward, Concordia Parish, and acting at said poll as a commissioner of election. Robert H. Columbus and Thomas E. D. Jefferson were the other two commissioners at said poll, and William C. Yarger, United States supervisor at that poll. When the polls were closed on that day, between 6 and 7 o'clock p. m., the box was locked, I took the key in my possession, giving the box to Robert H. Columbus. We started for Vidalia, the parish-seat of Concordia, distant about sixteen miles. Upon reaching the store of T. C. Witherspoon on the road to Vidalia, the suggestion was made that I should take the box and ride in a buggy from there to Vidalia, which suggestion I acceded to, and came on to Vidalia in company with Irvine in his buggy, one of the other commissioners riding in front and one in rear of the buggy on horseback. Coming on without any interruption, we reached Vidalia between 11 and 12 o'clock that night, and proceeded to the office of Burnett Hitchcock, tax-collector, up stairs in the court-house at Vidalia. We then and there opened the box, and proceeded to the counting of the votes, up to half-past 2 o'clock a. m. of the 3d November. When we closed the box, I locked it, and gave the key to Robert H. Columbus, taking the box with me, in company with William C. Yarger, United States supervisor, to the hotel in Vidalia. Putting the box under my bed in the room of the hotel, we went to sleep and slept till about 7½ or 8 o'clock in the morning. We then got up to breakfast, I taking the box with me to the table. After finishing breakfast, we went to the court-house, to Mr. Hitchcock's room again. Opening the box, we proceeded again to count the votes. After thus counting some time in Mr. Hitchcock's room, we closed the box, and moved down stairs into the court-room, where we proceeded until the count was completed. The reason we did not go to the court-room at first was that, on arriving at Vidalia, we found the court-room occupied by the commissioners of the Vidalia ward or precinct. We completed our returns on the night of the 3d November, between 10 and 11 o'clock, and made our returns to the supervisor of the parish on the next day, 4th November, between 12 m. and 1 o'clock p. m. In counting the votes, the tally-lists were kept by different persons, part of the time by Mr. Connell, part of the time by Mr. Joyce, and part of the time by Mr. Nutt. The tally-sheets were kept under the direction and supervision of the commissioners. There were in said

box and returned by said commissioners 441 votes for Frank Morey for member of Congress for fifth district and 37 votes for William B. Spencer for member of Congress for fifth district of Louisiana.

During the night of 2d November, when we were counting the votes in Mr. Hitchcock's room, there were present, besides the commissioners, several persons, among whom was a candidate for police juror and a candidate for magistrate of the fifth ward. Mr. Hitchcock's office was considered to be a public office, and any person during the time we were counting was privileged to come in. It was not a public office except for purposes of tax-collecting; and Mr. Ault, the deputy collector, gave us permission to use it. When I went to my meals during the time of counting, I left the box in the court-room, in charge of Mr. Columbus, one of the commissioners, and took the key myself; and when he went to his meals, he took the key and left me in charge of the box. The other commissioners did not take their meals at the same house with me, they being colored men. I am neither a democrat nor a republican, but am an old-line whig. The other two commissioners were republicans. I was not considered to be a republican. The labor of counting the votes was very considerable, as it was a general election and quite a number of candidates voted for. I only heard two candidates make objections to our mode and manner of counting. No objection by anybody else was made to me. The votes cast at this fifth-ward box were counted and returned by the supervisor, as between all the candidates at said election. I don't think the tally-lists were very regularly kept, as we had no regular tally-keepers and had to pick them up as we could get them. I believe the tally-lists were kept as correctly as they could have been kept under the circumstances.

I omitted in commencing my statement to mention the circumstances under which the box was removed from the polling-place and the vote not there counted. When the polls closed, the other two commissioners refused to open and count the votes at the polls, they saying that the box ought to be taken to Vidalia and the votes counted there. Not having the book of instructions for holding the elections, I acquiesced in their wishes. I will further state that the reason why we suspended the counting of the votes on the night of 2d November was that the commissioners were tired and very much exhausted by the labors of the day and the long ride that night. I voted at said election for Mocun for treasurer, Spencer for Congress, and some republicans for other offices. Said election was free and fair.

JNO. F. DAMERON.

Sworn to and subscribed before me at Vidalia this 6th March, 1875.

J. S. MENG,
Parish Judge.

TESTIMONY FOR CONTESTANT.

Testimony of William C. Yeager.

WILLIAM C. YEAGER, sworn for plaintiff, says:

I was United States supervisor on 2d November, 1874, at fifth-ward box in Concordia Parish. I have carefully read the testimony of John F. Dameron, this day taken and hereinbefore written, and I fully confirm the same, as containing a true and correct statement of the facts relative to the matters stated therein. As United States supervisor aforesaid I

made a report setting forth in substance the same facts to F. A. Woolley, United States supervisor for the State of Louisiana, immediately after said election.

W. C. YEAGER.

Sworn to and subscribed before me at Vidalia, La., this 25th March, 1875.

J. S. MENG,
Parish Judge

TESTIMONY FOR CONTESTEE.

Testimony of R. H. Columbus.

ROBERT H. COLUMBUS, sworn for defendant, says:

I have carefully examined the testimony of John F. Dameron, taken this day in this cause, and hereinbefore written, and I fully confirm his statement of the facts relative to the election at fifth-ward poll of Concordia on 2d November, 1874, with the following exception: I made no objection to the opening and counting of the votes at the polls. Said election was free and fair.

R. H. COLUMBUS.

Sworn to and subscribed before me this 26th March, 1875, at Vidalia, La.

J. S. MENG,
Parish Judge.

Testimony of Thomas E. D. Jefferson.

THOMAS E. D. JEFFERSON, sworn for defendant, says:

I have carefully examined the testimony of John F. Dameron, taken this day in this cause, and hereinbefore written, and I fully confirm his statement of the facts relative to the election at fifth-ward poll, Concordia Parish, on 2d November, 1874, with the following qualification and exception, to wit: I made no objection to opening and counting the votes at the polls, but stated I had served as a commissioner of election before, and always took the boxes to Vidalia to count them; and we had no instruction book to guide us, and I did not know what else to do, believing that to be the law. I had left the instruction book at home, having forgotten to take it with me. The election on that day was free and fair.

THOS. E. D. JEFFERSON.

Sworn to and subscribed before me at Vidalia this 26th ———, 1875.

J. S. MENG,
Parish Judge.

TESTIMONY TAKEN IN CARROLL PARISH.

TESTIMONY FOR CONTESTANT.

Testimony of T. J. Galbreth.

T. J. GALBRETH, sworn on behalf of the contestant, William B. Spencer, testified as follows:

Question. Where do you reside; what is your occupation, and how long have you been so occupied?—Answer. I reside in Lake Providence,

Carroll Parish, Louisiana. I am deputy clerk of the district court, and have been since May, 1873.

Q. Have you not been the principal deputy, and as such had entire control of the office during your said occupancy?—A. I have, since the 26th day of July, 1873.

Q. Have or have not there at any time since the 2d day of November, 1874, been on deposit in the clerk's office of said parish any records of an election held on said day, including the ballot-boxes, lists of persons who voted and of persons voted for, and the offices for which they were voted, and of the number of votes received by each, the number of ballots in the boxes, the number of votes rejected, and reasons therefor, and tally-sheets, all signed and sworn to by the commissioners of election of each poll? And has any document or list of any character connected with said election, or any box containing the ballots cast at said election, been deposited in said clerk's office?—A. There have been none, except a tally-sheet handed me by a commissioner of the first ward, which tally-sheet was afterward taken out of my office and carried away.

Cross-examined by contestee, FRANK MOREY :

Q. Has diligent search been made for these ballot-boxes and papers appertaining to said election by yourself or others?—A. There has been.

Q. Do you know where these ballot-boxes and papers are?—A. I do not.

Q. Did you examine the one tally-list?

(This question is objected to by contestant, on the grounds that the proper evidences of an election are the official returns of the officers of election and cannot be supplied by parol.)

A. I did, so far as it appertained to the election of senator for this district, but did not as to any other candidates.

Q. Were you not present when that tally-list was made out?—A. I was present when some tally-lists were made out at the first ward, but do not know whether this was one of them or not.

Q. How many tally-lists did you see made out?—A. Three.

Q. Were they all alike, or did they all correspond?—A. They did; but after I came away a new set were made out, and I don't know what became of those I assisted in making.

Q. In regard to those which you helped make out, who assisted you?—

A. T. B. Rhodes, E. Mayer, E. M. Spann, and, I think, David Jackson.

Q. Do you mean that the tally-lists that were made out after you left differed from those you assisted in making in regard to the votes received by the candidates for Congress?—A. I cannot say whether they differed or not.

Q. Did the tally-lists that you saw made out give a correct statement of the votes as they were counted from the ballot-box?—A. If the man calling the names from the tickets called the names correctly, the tally-lists I assisted in making were correct.

Q. Was there any fraud or unfairness in counting the votes or making out the tally-list that you saw or were aware of?—A. There was not.

Q. Who called off the votes when the tally-lists were made out that you assisted in making?—A. I think E. M. Spann called off for a couple of hours, and then T. B. Rhodes. They were commissioners of election.

Q. Were there or not a number of spectators present during the counting?—A. There was.

Q. Did you or not hear any complaints of unfairness by any member of either political party in counting?—A. I did not.

Q. Do you remember how the ratio stood at the counting of the votes for member of Congress?—A. I do not remember.

Q. Were you present during the entire day at the election held at ward No. 1, held on 2d November?—A. I was.

Q. Did you pay strict attention to the manner in which the election was conducted as to its fairness or unfairness?—A. I did, and thought it a fair election.

Q. Did you hear any charges of unfairness made by either party during the day?—A. I did not.

Re-examined:

Q. Were you or were you not inside the room most of the day where the commissioners were, and therefore not in a position to know what was going on outside?—A. I think I was in and out of the room about equally during the day.

T. I. GALBRUT.

Sworn to and subscribed before me this 27th day of April, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of R. M. Lackey.

R. M. LACKEY, sworn on the part of contestant, William B. Spencer, testifies as follows:

Question. Where do you reside? And were you or not supervisor of registration and election for the parish of Carroll for the election of November 2, 1874?—Answer. I reside in the parish of Carroll, and was the supervisor of registration, as stated.

Q. Were or not the election-returns of the election held 2d November, 1874, for Carroll Parish, which were put before and promulgated by the State returning-board made out and signed by you?—A. They were not made out and signed by me, or by my authority.

Cross-examined by contestee FRANK MOREY:

Q. When did you first inform anybody of this fact?—A. This is the first time that I have spoken about it.

Q. Did you not tell any one that you could swear to this before this morning?—A. No.

Q. Then you have kept this fact to yourself until this morning?—A. Yes.

Q. How do you know that the returns put before the returning-board were not signed by you?—A. Because there were more votes on the returns before the returning-board as promulgated than there were on the returns I signed.

Q. What do you mean by saying there were more votes on the returns before the returning-board than were on the returns by you made; that is to say, were there more votes for all of the candidates or more for some of them?—A. There were some four of the candidates who were credited by the returns with more votes than they received or I returned for them.

Q. Did you ever see the signatures to the returns before the returning-board?—A. No.

Q. Were the returns which you signed correctly made up from the returns of commissioners of election?—A. Yes.

Q. Do you know that the returns which were before the returning-board differed from the returns which you signed in respect to the votes for member of Congress?

(This question is objected to by contestant on the grounds that the returns themselves would be the best evidence of the matter inquired of.)

A. I know that they did differ.

Q. In what respect did they differ?

(Contestant makes the same objection to this question as to the preceding one.)

A. Because the republican candidate for Congress, by my returns, did not receive more votes than the other republican candidates.

Q. What vote did Morey receive for Congress according to your returns?

(Contestant makes same objection to this question as to the two preceding ones.)

A. About seventeen hundred and fifty votes.

Q. Do you mean seventeen hundred and fifty votes or seventeen hundred and fifty majority?

(Same objection by contestant.)

A. I mean seventeen hundred and fifty votes.

Q. Do you know how many votes were given for Morey by the returns before the returning-board?

(Contestant makes same objection to this question as to the previous ones.)

A. According to the official journal of the State the returning-board gave Morey a little the rise of two thousand votes.

Q. Do you recollect what Spencer's vote for Congress was by the returns you made?

(Contestant makes same objection to this question as to the preceding ones.)

A. As well as I can recollect, Spencer's vote was something over four hundred, and not exceeding five hundred votes.

Q. How many votes did Spencer get in the first ward?

(Contestant makes same objection.)

A. I do not recollect.

Q. How many did Spencer get in the second ward?

(Contestant makes same objection.)

A. I do not recollect.

Q. How many did Spencer get in the third ward?

(Contestant makes same objection.)

A. I do not recollect.

Q. How many did he, Spencer, get in the fourth or fifth ward?

(Contestant makes same objection.)

A. I do not recollect.

Q. Who assisted you in making up your return from the returns from the different polls in the parish?—A. W. W. Benham.

Q. Did any one else assist you?—A. James S. Millikin, one of my clerks. Both Benham and Millikin were commissioned clerks of the supervisor of registration.

Q. Did you discharge the duties of your office honestly and fairly according to the best of your ability?—A. I did.

Q. Mr. Spencer, in his notice of contest, charged that you were the mere tool of George C. Benham and others of Morey's supporters; is that true or false?—A. It is false.

Q. Do you not recollect that, according to the returns made by you,

Morey received about the same vote in the parish that was cast for Dubuclet?

(Contestant makes the same objection to this question as to the previous ones.)

A. He did not receive the same vote as Dubuclet.

Q. What vote did Dubuclet receive in the parish?

(Contestant makes same objection as before, and as, also, irrelevant.)

A. As well as I can recollect, about two thousand or more.

Q. How many more do you think?

(Contestant makes some objection.)

A. I am unable to say.

Q. How do you know that Dubuclet received as many as two thousand?

(Same objection by contestant.)

A. Because he was a very popular man in the parish, and ran ahead of his ticket, many white men and democrats voting for him.

Q. How many democrats voted for Dubuclet to your knowledge?

(Objected to by contestant as irrelevant.)

A. I know of one who voted for him and I heard others say that they had.

Q. Give the names of those who you heard say so?

(Contestant makes some objection.)

A. James S. Milliken, J. M. Gaddis, Joe Leddy, and James Leddy. These are all I now recollect.

Q. What is the total registration of this parish?—A. Twenty-five hundred and thirty.

R. M. LACKEY.

Sworn to and subscribed before me this 27th April, 1875.

S. DUNCAN GLENN,
Notary Public.

Contestant offers in evidence certified copy of the entire record in case No. 6229 on the docket of the district court of Carroll Parish, entitled *Nicholas Burton et al. vs. Charles Hicks et al.*, marked Exhibit B.

Contestee, Morey, objects to this record on the grounds that it is *res inter alios acta*. (See Appendix for Carroll Parish, Exhibit B.)

Testimony of J. E. Burton.

J. E. BURTON, sworn for contestant, William E. Spencer, testifies as follows:

Question. Where do you reside now and where did you reside on 2d November, 1874?—Answer. I reside in Carroll Parish.

Q. Were you or not a candidate at the election on 2d November, 1874, on the republican ticket in this parish? If so, for what office?—A. I was, for member of the house of representatives for the State.

Q. Did you ever examine the returns of said election that were before and that were canvassed by the State returning-board for the parish of Carroll?—A. I did.

Q. Did you see the signature of R. M. Lackey that was signed to said returns before the returning-board; and if so, was it his genuine signature?—A. I have frequently seen Lackey's signature, and to the best of my belief his signature to said returns was not genuine. I think the handwriting was superior to what Lackey can write, but I cannot swear positively.

Q. Are you acquainted with the signatures of E. M. Spann, Thomas F. Montgomery, and R. M. Bagley?

(Contestee objects to this question.)

A. I am; but more particularly with Montgomery and Bagley's.

Q. From your knowledge of the handwriting of the said named persons, was the signature of E. M. Spann to the returns from ward No. 1 of this parish, of Thomas F. Montgomery to the returns from ward No. 2, and of R. M. Bagley to the returns from ward No. 3, which were before the returning-board, the genuine signatures of those gentlemen?

(Objected to by contestee.)

A. They were not.

Q. Were you acquainted with the jury-men who tried the case of Nicholas Burton *et al.* vs. Charles Hicks *et al.*? If so, please state whether they all were or not members of the republican party of Carroll Parish?

(Objected to by contestee.)

A. According to my belief and acquaintance with them, I being acquainted with every person on the jury, they were all republicans.

Cross-examined by contestee:

Q. Please state whether or not there were two factions of the republican party in Carroll Parish?—A. They were.

Q. Did or did not both factions generally support and vote for the constitutional amendments, for Dubuchet for treasurer, and for Frank Morey for Congress, from this district?

(Objected to by contestant.)

A. They did.

Q. Were you well acquainted with the sentiment politically of the republicans throughout the parish, and were you or not one of the leaders of one wing of the republican party in this parish?—A. I was well acquainted and was one of the leaders, as stated.

Q. Did you, either before or since the election, hear or know of any republicans who supported or voted for William B. Spencer for member of Congress at the election in November last?

(Objected to by contestant.)

A. I know of but two; have heard of no others.

Q. Was not the suit of Burton *et al.* vs. Charles Hicks *et al.* a suit between republicans, growing out of a split in the party in Carroll Parish?

(Objected to by contestant.)

A. According to my belief there were democrats on both sides of this suit; but the majority of the litigants were republicans. All the parties to the suit were nominees of one or the other wing of the republican party; but both of these wings supported Morey.

Re-examined for contestant:

Q. When you say that both factions or wings of the republican party in Carroll Parish supported Mr. Morey for Congress, do you mean that all the members of that party voted for him, and was there or not considerable feeling against Mr. Morey among the members of that wing known as the Gla-Burton wing of said party, because of his favoring George C. Benham for State senate against Jacques A. Gla?—A. I mean that all the leading republicans supported and advocated Mr. Morey, but I cannot say they voted for him, though I believe they generally did. There was considerable feeling against Mr. Morey among the Gla-Burton men of the republican party on account of his (Morey's) favoring George C. Benham; I mean among a few of the leaders.

J. E. BURTON.

Sworn to and subscribed before me this 27th day of April, 1875.

S. DUNCAN GLENN,

Notary Public.

Contestant here closed his evidence-in-chief, reserving the privilege to rebut.

TESTIMONY FOR CONTESTEE.

Testimony of John Scott.

JOHN SCOTT, being sworn, testifies as follows :

Question. Were you present at the election held at ward No. 3 on the 2d of November last?—Answer. I was.

Q. Was or not the election at that poll fairly conducted as far as you observed?—A. It was, all but two things, which I did not think was right, to wit: That the tickets of some of our men, the Gla men, were taken away from them and torn up by the Benham men; and Captain Anderson, one of the commissioners, opened the tickets and looked at them before putting them in the box, sometimes pushing them in the box with the ink end and sometimes with the other end of his pen.

Q. There were two factions, the Gla and the Benham factions, of the republican party, were there not?—A. There were.

Q. Did not both of these factions support Morey for Congress?—A. I believe they did; most of them, anyhow.

Q. Do you know of any republicans who supported Spencer for Congress?—A. I don't believe I do.

Q. Do you know of any republicans who did not support Morey?—A. I do not.

Q. There was considerable bitterness between the two factions of the republican party in Carroll Parish, was there not?—A. There was.

Q. Was Morey's name on the tickets of both factions?—A. It was.

JOHN SCOTT.

Sworn to and subscribed before me this 27th day of April, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of Thomas F. Montgomery.

THOMAS F. MONTGOMERY, sworn for Frank Morey, contestee, testifies as follows :

Question. Were you the democratic commissioner of election at poll No. 2, in the parish of Carroll, on the 2d of November, 1874?—Answer. I was.

Q. Did you see any fraud or ill practices in the conduct of the election at that poll?—A. I did not.

Q. Was the counting of the votes and the making out of the tally-lists fairly conducted?—A. So far as I saw, they were.

Q. Did you hear any charges of fraud or unfairness made?—A. Not during the election.

Q. If there had been any fraud or ill practices, would you not have been likely to have noticed it?—A. I would. I watched the proceedings quite closely.

Q. Did you make an affidavit regarding the votes cast at poll No. 2, which was used before the returning-board?—A. I did.

Q. Did you keep any memoranda or tally of the vote cast at poll No. 2?—A. I did not keep any memorandum of the vote, except between Benham and Gla, on a little piece of paper which I put in my pocket.

Q. Did you sign the returns from that poll?—A. I signed only the list of names of persons who voted; did not sign the tally-sheets or returns.

Q. Did you sign all the papers that you considered necessary in connection with the election?—A. I did not think at the time it was necessary to sign other papers, and the other commissioners said they thought so too.

Q. Do you know of your own knowledge that the statement of votes and tally-sheets that were kept and made out at poll No. 2 are not the same that were before the returning-board and canvassed by them?—A. I do not know anything about it.

Q. Do you recollect the number of votes cast at poll No. 2 for Spencer and Morey?

(This question is objected to by contestant, on the grounds that the official returns are the proper and only legal evidence of the matter inquired about, and parol is inadmissible.)

A. I do not remember.

Cross-examined by WILLIAM B. SPENCER, contestant:

Q. At what time of day were the polls at No. 2 opened and at what time of day did you take your seat as commissioner of election?—A. I do not know when they were opened, I not being present. I took my seat as commissioner at said poll some time in the evening, I do not recollect the hour—some time between 1 and 3 o'clock, I think.

Q. At what hour did the polls close and at what time did the counting of the vote close at said poll?—A. The poll closed at 6 o'clock Monday evening. The counting of the vote closed Tuesday night.

Q. Were the tally-lists showing the votes of each candidate made up and signed by you and the other commissioners in presence of each other after the counting of the vote?—A. They were not. I never signed the tally-lists then or at any other time or saw any of the other commissioners sign them.

Q. Did not various and numerous other persons not commissioners of election or connected with the election as officers keep the tally-lists as the votes were counted, and relieving each other from time to time as they saw proper?—A. They did.

Q. If your name appears on tally-sheets and statements of votes for poll No. 2 at said election before the returning-board, were or not your signatures thereto forgeries?—A. They were forgeries if they so appear.

Q. Were not the other two commissioners of election who acted with you and who took charge of the tally-sheets and other papers pertaining to the election at poll No. 2 members of the republican party?—A. I believe they were.

Q. Did you ever see the tally-sheets or returns of the election of poll No. 2 after the polls were closed on Tuesday night?—A. I never again saw them.

Re-examined by contestee:

Q. What persons kept the tally-lists during the counting of the votes?—A. Capt. W. B. Dickey, M. A. Sweet, and J. D. Therrell and S. T. Austin, jr., for a short time. These gentlemen took it alternately in keeping the tally, relieving each other. They kept it by consent and request of the commissioners. There was no charge that the tallies were unfairly kept, either then or since, that I have heard of. The tallies were kept in presence of such citizens as chose to attend.

TOM F. MONTGOMERY.

Sworn to and subscribed before me this 28th day of April, A. D. 1875.

S. DUNCAN GLENN,

Notary Public.

Testimony of C. E. Moss, jr.

Judge C. E. Moss, sworn for contestee, Frank Morey, testifies as follows:

Question. Please state your name, residence, and occupation.—Answer. My name Charles E. Moss, jr.; my residence, Carroll Parish; my occupation is parish judge.

Q. Where were you during the election on the 2d of November, 1874, and what do you know about the election?—A. I was at poll No. 1 on that day. I was there from daylight until 5 o'clock in the evening, being myself a candidate for parish judge and nominee of one wing of the republican party, there being two wings of the republican party in this parish. I belonged to what was known as the Benham wing. I was very active all day about the polls, and if I had seen anything that was wrong or unfair I would have objected, being interested in having the election fairly held. At the time of the election I heard no charges of unfairness made, and it was generally conceded that the election was fairly held. I heard no quarreling or unkind words, and everything seemed to pass off pleasantly. Some time after, when the suit of Burton *vs.* Hicks was about being brought, I heard charges made of great frauds made at that poll. I know of my own knowledge that these charges were false.

Q. Do you know about what number of votes were cast at said poll on said day?

(Contestant objects to this question on the ground that the election-returns are the only proper evidence of the votes cast.)

A. At 5 o'clock, when I left, there were five hundred and fifty-two votes cast.

Q. Can you tell about how many votes had been cast at poll No. 1 for Morey and Spencer, candidates for Congress, up to the time when you left?

(Contestant objects, on same grounds as last above stated, to this question.)

A. Nearly all the votes were for Morey. Mr. Morey was supported by both factions of the republican party at that box, and there were but four democrats in that part of the parish and voting at that box. I did not know of or hear of any republicans voting for Spencer or against Morey at that box. Morey's name was on tickets of both wings of the republican party.

Cross-examined by contestant:

Q. Were there not reports made on the day of the election at poll No. 1 that J. A. Gla, candidate for State senator, had withdrawn, and did you not assist in circulating such reports?

(Objected to by contestee.)

A. About 10 o'clock on the election-day there was a circular which seemed to come from below, which contained the report that Gla had withdrawn as a candidate for State senator, which he, at the request of Mr. Sartain, read to quite a crowd standing around.

Q. Did you or not know that that circular was to be gotten up and did you not assist in getting it up?

(Contestee objects to this question as irrelevant.)

A. Witness declines to answer on the ground that he might criminate himself.

C. E. MOSS, JR.

Sworn to and subscribed before me this 28th day of April, A. D. 1875
S. DUNCAN GLENN,
Notary Public.

Testimony of James S. Millikin.

JAMES S. MILLIKIN, sworn for contestee, Frank Morey, testifies as follows:

Question. Please state your name and residence.—Answer. My name is James S. Millikin, and I reside in Floyd, in Carroll Parish.

Q. Where were you on the day of the election, the 2d day of November last?—A. I was at the fourth-ward poll and a democratic commissioner at that poll.

Q. How was the election conducted at that poll?—A. The poll was opened at the regular hour and was conducted fairly, I think. I heard no charge of unfairness.

Q. Did you sign the election-returns of that poll?—A. I cannot recollect whether I did or did not, but I think I did all that was required of us by the printed instructions furnished for our guidance.

Q. Have you ever at any time made an *ex-parte* affidavit concerning the votes cast at said poll at said election?—A. I have not, but Mr. McCandless told me he had, and that his statement was in accordance with the tally-sheets.

Q. Was Mr. McCandless a commissioner at that poll?—A. He was not a commissioner of election, but claimed to act under some authority; I don't know what.

J. S. MILLIKIN.

Sworn and subscribed to this April 28th, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of F. R. Barthelmy.

F. R. BARTHELEMY, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name and residence.—Answer. My name is F. K. Barthelmy, and I reside at Goodrich's Landing, ward No. 1, Carroll Parish.

Q. State whether or not you were present at poll No. 1 during the election held November 2, 1874, and state what you know about the matter in which said election was held and conducted.—A. I was present, and the election was conducted fairly without any disorder. I was present all day long, most of the time inside the room where the commissioners received the votes. Heard no charges of fraud or unfairness made by any one during the day. I was sworn in by the commissioners as clerk, and I assisted them in tallying the votes cast at said poll.

Q. Did you keep any memoranda of the votes cast at said poll for member of Congress and other officers. And, if so, state what it was. (Objected to by contestant on grounds as heretofore stated.)

A. I did. Mr. Spencer received thirty-three votes; Mr. Morey, five hundred and sixty-nine. I made this memoranda from the result of the tally-sheets, and it corresponded with that made by the commissioners of election.

Q. Did you see the commissioners sign the returns of said election at that poll?—A. I did. They were signed by E. W. Spann, T. B. Rhodes, David Jackson, who were the commissioners of election, E. M. Spann being the democratic commissioner. They were also signed by Emanuel Moyer, who claimed to be deputy United States supervisor.

F. R. BARTHELEMY.

Sworn to and subscribed before me this 28th day of April, A. D. 1874.

S. DUNCAN GLENN,
Notary Public.

Testimony of R. K. Anderson.

ROBERT K. ANDERSON, being sworn for contestee, Frank Morey, testifies as follows :

Question. State your name and place of residence.—Answer. My name is Robert K. Anderson. I reside in Carroll Parish.

Q. Where were you at the election held on November 2, 1874, and what official position did you occupy ?—A. I was at poll No. 3, ward No. 3, and was commissioner of election at said poll.

Q. Have you in your possession any of the returns of the election held at any poll in this parish? And, if so, state what.—A. I have. It is the duplicate return made up by the commissioners of election, and signed by them for poll No. 1, ward No. 1, of this parish. The paper which I now exhibit is the said document.

(Certified copy of so much of said duplicate as relates to the vote cast for candidates for Congress is hereto annexed and marked "Exhibit A."—See appendix testimony in Carroll Parish.)

(Contestant objects to the introduction of the said document on the grounds that it does not contain the oath of the supervisor of registration verifying it as required by law; that it is but a partial return of said election, not accompanied by the tally-sheets or list of voters at said poll, and has not been on deposit in the clerk's office, sealed up in the ballot-box for said ward with the ballots, tally-lists, and list of voters at said poll.)

Testimony of F. R. Barthelemy, (recalled.)

F. R. BARTHELEMY recalled by contestee, Frank Morey :

Question. Please examine the document produced by R. K. Anderson and state whether you saw the same made out and signed by the commissioners, and whether the signatures thereto attached are the genuine signatures of the commissioners.—Answer. I saw the document made out and signed by the commissioners of election, and their signatures are genuine.

F. R. BARTHELEMY.

Sworn to and subscribed before me this 28th day of April, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of R. K. Anderson, (resumed.)

R. K. ANDERSON's testimony, resumed :

Question. State what you know of the manner in which the election was held and conducted at the poll for which you were commissioner.—Answer. The election was peaceable and fair. I knew of no charges of unfairness being made at the time. It was generally admitted by both republicans and democrats present at the polls that the election was free and fair. The ballots were counted at the poll under the direction of the three commissioners, namely, myself and Dub Anderson, republican commissioners, and Robert M. Bagley, democratic commissioner, all three of whom signed the returns. The returns were then delivered to the supervisor of registration at Lake Providence, parish site.

Q. How many votes were cast at said poll, and what was the vote cast at said poll for W. B. Spencer, and how many for Frank Morey, candidates for Congress?

(This question is objected to by contestant on the grounds heretofore stated, and on the grounds that the returns are the only proper evidence of the matters inquired of.)

A. My recollection is that there were five hundred and fifty votes cast in all. There were seven votes cast for Spencer, two blank as to member of Congress, and the balance for Morey.

Cross-examined by contestant:

Q. When were the returns of said poll signed, where, and were they signed in duplicate or only one set made out?—A. They were signed and sworn to the next day after the election, not at the polls, but at Providence. They were sworn to before S. T. Austin, justice of the peace; said returns were not made in duplicate, but a single copy made.

Q. In stating the number and result of the votes at said poll, are you positive, or do you only speak from memory?—I speak from memory only as regards the total number of votes cast. I am positive as to the two blank votes and the number of votes by Spencer. Am positive that Morey got the balance. I am positive that there were more than five hundred votes cast.

R. K. ANDERSON.

Sworn to and subscribed before me this 28th day of April, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of David Jackson.

DAVID JACKSON, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation.—Answer. My name is David Jackson; I reside in Carroll Parish, ward No. 1, and am clerk of the district court.

Q. Where were you during the election held November 2, 1874?—A. I was at poll No. 1, and a commissioner of election there. Was present from the time the polls opened until they closed, and remained until the vote at that poll was counted, and assisted in counting the same.

Q. Did all the commissioners assist in making the count of the vote cast, and did they all sign the returns?—A. They did.

Q. How many copies of the returns were made?—A. Three copies.

Q. Examine the document presented by R. K. Anderson as a return from the first ward, and state whether it is one of the original returns made out and signed by yourself and the other commissioners of election.—A. It is one of the originals, and was signed by myself and the other commissioners after we had counted the votes at that poll. The other commissioners signed in my presence.

Q. Does this return contain a correct statement of the vote cast for member of Congress and other candidates at that poll?

(Contestant objects to this question.)

A. It does.

(Certified copy of a portion of the document referred to appears in the record, marked "Exhibit A.")

Q. Did you have a good opportunity to see and to know how the election was conducted at that poll? And, if so, state what you know of it.—A. I had a good opportunity. The election was conducted peace-

ably and as fairly as an election could be; I heard no charges of unfairness made by anybody; every voter had a chance to vote as he saw fit. Mr. Spann, the democratic commissioner, kept the list of votes; Mr. Rhodes, the republican commissioner, kept the tally-list, and I took the votes as they were handed in by the voters and put them in the ballot-box. The various candidates and others had access to our room in which we received the votes, so that they could see that the election was conducted fairly. There was no dissatisfaction expressed by any one as to the manner in which the election was conducted.

Q. Did the voters generally hand you their ballots?—A. They did.

Q. Was or not there a large crowd about the voting-place at certain portions of the day, who were anxious to vote without much delay?—A. There was.

Q. Did or not a portion of this crowd try to vote ahead of others, out of their "turn," as it was called? And, if so, state how it was done.—A. A good many would crowd up to the window where the box was, and try to vote one before the other. Some of them had short sticks with the ends split, to which they stuck their ballots and handed them up to the commissioner ahead of others who were nearer to the ballot-box.

Q. Did not you take all the votes that were so handed by the voters and put them in the ballot-box?—A. The voters handed up the registration-papers with their votes. I handed the registration-paper to Mr. Rhodes, the other commissioner, who indorsed it. I then put the ballot in the box.

Q. Where was the ballot-box placed?—A. Right in the window, in sight of the voters who were outside. Each voter who wished could see me deposit the vote in the box.

Q. Do you know Cæsar Johnson? What is his reputation?—A. I know him, and do not think he has a very good character.

Q. Would you believe him under oath?—A. I would not.

Q. Who handed back the registration-papers to the voters after they were indorsed by the commissioner?—A. They were handed back by myself or by Mr. E. Mayer, who claimed to be acting as the democratic deputy United States supervisor.

Q. Was there or not any money handed back by yourself or any other person with the registration-papers?—A. There was not.

Q. Did or not you hear of any such report or charge being made during the day of election by any member of either political party?—A. I did not. I would most likely have heard any such report had it been made.

Cross-examined by contestant:

Q. Are you or not a member of the republican party and a strong and active partisan of the same?—A. Am a strong republican, but do not think I am a very active politician.

DAVID JACKSON.

Sworn to and subscribed before me this 29th day of April, A. D. 1875.

S. DUNCAN GLENN.

Notary Public.

Testimony of Robert M. Bagley.

ROBERT M. BAGLEY, sworn for Frank Morey, contestee, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the 2d November, 1874, at the election, and what position

did you hold?—Answer. My name is Robert M. Bagley. I reside in the Third ward, parish of Carroll, am a planter and merchant, and was appointed and served as democratic commissioner of election for poll No. 3, parish of Carroll.

Q. Were you present all day during the election and afterward until the vote cast at said poll was counted?—A. I was.

Q. State how the election at that poll was conducted.—A. The election was conducted very loosely. I know that the law was not complied with in many instances. There were a great many charges of unfairness which I, as commissioner, attempted to correct, but was overruled. There was some disturbance on the day of the election between contending parties, especially among the constables, who were very partisan, all belonging to the same side. Candidates for office were allowed to keep the tally-sheets.

Q. Specify the instances in which the law was not complied with.—A. Parties were allowed to vote who I know were under age, and others who had not proper registration-certificates. The ballots were not counted nor returns made out until thirty-six hours after the closing of the polls. The official count upon which the returns were made was made in Providence thirty-six hours after the close of the election. The box was opened at the poll at the conclusion of the election and the names of persons voted for called off; but there was no official count kept of them at that time.

Q. Did you or not yourself keep an account of the votes that were cast at that poll as made out from the actual count of the votes cast?—

A. I kept one of the tally-sheets; whether the count was correct or not I do not know. I tallied as the names were called from the ballots.

Q. Who called the names from the ballots?—A. R. K. Anderson, one of the republican commissioners.

Q. Were or not the votes called off in the presence of other parties?—

A. There were other parties in the room. Whether they saw the names on the tickets called I do not know.

Q. Did the tally-sheet that you kept agree with the return from that poll which you signed and swore to as being correct?

(Contestant objects to this question.)

A. The tally-sheet which I kept did correspond with the return which I signed and swore to.

Q. Did not the commissioners adopt the tally-sheet which you kept as the correct tally-sheet?

(Question objected to by contestant.)

A. They did, because the balance of the tally-sheets did not correspond.

Q. On the return which you swore to as being the correct statement of the votes cast at poll No. 3, how many votes were cast for William B. Spencer for Congress and Frank Morey for Congress?

(This question is objected on grounds previously stated to other questions by contestant.)

A. I do not remember either now well enough to swear to them.

Q. Did you or not make affidavit, which affidavit was before the returning-board, in which you stated the exact number of votes cast for W. B. Spencer and for Frank Morey for Congress, and which affidavit stated that this was the vote stated in the returns which you signed and swore to as being the correct statement of the votes cast for Morey and for Spencer, respectively, at poll No. 3?

(This question objected to by contestant.)

A. I know I made an affidavit before the returning-board, and think,

though I am not positive, that I stated therein the vote for Morey and Spencer. My statement in that affidavit, whatever it was, was correct.

Q. If in that affidavit you swore that William B. Spencer received seven votes and Frank Morey five hundred and ten, was or not that the correct statement of the votes cast for those persons?

(Contestant objects to this question.)

A. It was.

Q. Do you know of any person at poll No. 3 who was prevented from voting by any disturbance which took place on the day of the election?

A. I do not.

Q. Do you know of any person at poll No. 3 who voted for Morey for Congress who did not do so of his own choice?—A. I do not.

Q. Was anybody arrested, or did you, as commissioner, arrest, ask to have arrested, or issue a warrant for the arrest of any person for violation of the election-law at poll No. 3 on the day of election?—A. I did not.

Q. When you stated that the counting of the ballots was not commenced until thirty-six hours after the election, do you mean that the counting of the votes which you tallied, and which was adopted by the commissioners as the correct tally, was not commenced till thirty-six hours after the election?—A. What I mean by the official count having been made at Providence is this: At the conclusion of the tallying of the votes at the poll, and I think, without having cast up the tallies, the ballot-box, with the tally-sheets, votes, &c., in it, sealed up, was taken to Providence by R. K. Anderson and Nelson Blackwell, republican deputy United States supervisor for said poll, to be delivered to the clerk of the court. I went to Providence on Wednesday, and, with the other commissioners, recounted the votes, finding them to correspond with the tally-sheets, we made up the returns and signed them, and swore to their correctness.

Cross-examined:

Q. When you state that on getting to Providence you and the other commissioners recounted the votes, do you mean that you again called over and tallied each name on each ticket or that you only counted the number of tickets in the box?—A. I mean that at Providence we only counted the number of tickets in the box, and did not tally them over again.

Q. Were you or not, after closing up the box and tallies and ballots at the polls, constantly with that box until your returns had been made and sworn to; and where was the box in the mean time?—A. I was not constantly with it. I saw the box in Providence on Tuesday evening in possession of the republican deputy United States supervisor and Mr. Anderson. They took the box out of Providence that evening. I do not know of my own knowledge where they took it.

Q. Why were you not with that box all the time?—A. We, the commissioners, agreed to put the box in the hands of the said United States supervisor to bring to Providence. This arrangement was made for our mutual convenience.

Q. In making your tally-list did you verify it by the votes themselves?—A. I did not.

Q. Did you see what purported to be your signature to returns and tally-sheets put before and canvassed by the State returning-board; and, if so, were your signatures thereto genuine?—A. I did see said returns, and what purported to be my signature to the returns of poll No. 3 was a forgery.

Q. You have stated that you did not take any steps to arrest disturbers of order at said poll No. 3; why did you not do so?—A. Because I was conversant with the election-law and did not know that I was authorized to do it.

Q. Did you see at said poll any undue influence or effort to prevent voters from voting as they wished; and, if so, what?—A. I did see undue influence used. I saw one man have nearly all of his clothes torn off of him by parties attempting to get him to vote as they wished. The man told me afterward that he would have voted differently, but was afraid.

Re-examined by contestee, FRANK MOREY :

Q. Was there any material difference between the tally-sheet kept by you and that kept by other parties; and, if so, what?—A. There was a considerable difference; I cannot state the exact amount.

Q. This man who told you he would have voted differently, did he tell you he would have voted differently as to member of Congress?—A. He did not.

R. M. BAGLEY.

Sworn to and subscribed before me this 29th day of April, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of T. B. Rhodes.

T. B. RHODES, sworn for contestee, Frank Morey, testifies as follows :

Question. What is your name, residence, and occupation?—Answer. My name is Thomas B. Rhodes; my residence is in Carroll Parish; my occupation, a planter.

Q. Were you a commissioner of election at poll No. 1, Carroll Parish, at the election 2d November, 1874?—A. I was.

Q. Were you present at said poll during the entire day of the election?—A. I was.

Q. Did you see any fraud or ill-practices at the election held at that poll?—A. I did not.

Q. Did you hear of any at the time?—A. I did not.

Q. Did you take part in counting the votes?—A. I assisted in counting the votes.

Q. Were the votes fairly counted and were the tally-lists and returns accurately made out?—A. They were, so far as I know.

Q. Do you remember how many votes were cast at that poll for W. B. Spencer for Congress and how many for Frank Morey? If so, state the number.

(Contestant objects to this question.)

A. Thirty-three votes for Spencer and five hundred and sixty-nine for Morey.

Q. Was any one compelled at that poll to pass his ballot up to the commissioner on a stick?—A. No one was.

Q. Could not every elector have voted with his hand from the ground?—A. All could have done so.

Q. Was any one permitted to vote at that poll who did not present the proper registration-papers?—A. Not that I know of.

Q. Was there any democrat present during the election at that poll?—A. There was; Mr. Spann, a commissioner, was present.

Q. Did he take exception to anything that was done in the conduct of the election?—A. He did not.

Q. Please state how the ballot-box at that poll happened to be placed at a window.—A. We commenced voting at the door of the building in the morning, and nailed strips across the door to keep the crowd out. The crowd became so noisy and so eager to vote that in pressing against the strips they broke them off. Some one then proposed that the box be removed to the window. It was then placed on a table by the window, so that the top of the box was above the window-sill.

Q. Was there any objection on the part of the democratic commissioner or any party present to placing the box at the window?—A. There was no objection, but it was suggested by some one that each voter had a right to place his ballot in the box with his own hand. So we caused it to be proclaimed that any one who wished to place his ballot in the ballot-box himself could come in the room and do so; and accordingly many did do so.

Q. Could the ballot-box at the window be seen by the voters outside?—A. It could be seen by the voters all the time from the outside.

Q. How high was the window from the ground?—A. I measured it, and my recollection is that it was between 5 feet 8 inches and 5 feet 10 inches from the ground.

Q. The document produced by R. K. Anderson and purporting to be one of the original returns from poll No. 1 is here produced. Is your signature to this document genuine?—A. It is. I made out the returns and signed them in the presence of the other commissioners, and they signed it in my presence, and the statement of the votes therein given is a correct statement of the cast at that poll.

Cross-examined :

Q. You stated that the voter could at all times see the ballot-box at the window. Do you mean by this, that the person approaching the window to hand in his ballot could at all times see the box and the deposit of his ticket therein?—A. No, sir; I meant that in the first portion of the day, when the box sat close to the window, a person handing up his ticket could see it put in the box; that later in the day, on account of the voting on sticks, we moved the box back from the window, when a person close to the window could not see his ticket deposited.

Q. Do you know that all the men handing up tickets and registration-papers to vote were the men named in the registration-papers?—A. I do not.

Re-examined by contestee :

Q. Was any charge of fraudulent voting made at the time of the election by any one?—A. Not that I heard.

Q. Did not the possession of the certificate of registration entitle the holder thereof to vote, unless it was charged and proven that the holder thereof was not the person named and described therein?—A. That was the practice there, and my understanding of the law.

THOS. B. RHODES.

Sworn to and subscribed before me this 29th day of April, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of Charles E. Moss, (recalled:)

Judge CHARLES E. MOSS recalled for contestee, Frank Morey :

Question. State what you know of the matter of voting on sticks at poll No. 1?—Answer. This voting was done at a negro cabin. There

was a large crowd around the window, and some voters who could not approach the window, in order that they might vote earlier, placed their ballots on sticks and passed them up to the commissioner. There were perhaps sixty or seventy votes cast in this way.

C. E. MOSS, JR.

Sworn to and subscribed before me this 29th day of April, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of John M. Gaddis.

JOHN M. GADDIS sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, occupation; where and in what capacity were you during the election on the 2d of November, 1874?—

Answer. John M. Gaddis; fourth ward, Carroll Parish; physician and planter; and was commissioner of election at poll No. 4, parish of Carroll.

Q. State what was the character of the election held at that poll on that day, the number of votes cast at that poll, and the number received by each candidate for Congress.

(Contestant objects to this question.)

A. It was fair, quiet, and peaceable, and was so admitted at the close by everybody. There were two hundred and twenty-nine votes cast in all, of which number Frank Morey received one hundred and fifty-five, and William B. Spencer seventy-four, for member of Congress. At the close of the polls the votes were counted by myself and the other commissioners, the returns made up, and signed by J. S. Millikin and myself, and I am very certain by Mr. Pride, the other commissioner. Returns and poll-lists were then sent with the ballot-box and ballots by J. S. Millikin, the democratic commissioner, to Providence, to be delivered to the proper officer.

J. M. GADDIS.

Sworn to and subscribed before me this 30th day of April, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of M. A. Sweet.

MARION A. SWEET sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were during the election held in this parish on the 2d of November, 1874.—Answer. My name is Marion A. Sweet; residence at Providence, ward No. 2, Carroll Parish; recorder for said parish; at poll No. 2 the greater portion of the day.

Q. Was the election at said poll fairly conducted?—A. It was.

Q. Did you hear any complaints made by any party on the day of the election at said poll?—A. I did not.

Q. Did general good feeling seem to prevail at the poll?—A. It did; everything seemed to be harmonious.

Q. Were you present at the tallying of the votes at that poll?—A. Only part of the time.

Q. Was the tally fairly kept while you were there?—A. I was.
 Q. Did several parties keep tally?—A. They did.
 Q. Were these tallies compared?—A. They were while I was tallying.
 Q. Are you quite sure that, by means of this comparison, the tallies were correctly kept while you were present?—A. I am. ~~...~~
 M. A. SWEET.

Sworn to and subscribed before this 30th day of April, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of E. M. Spann.

E. M. SPANN sworn for contestee, Frank Morey, testified as follows:

Question. State your name, residence, occupation, and where you were on the day of the election held in Carroll Parish, on the 2d day of November, 1874?—Answer. My name is E. M. Spann; reside in the first ward, Carroll Parish; am a planter; and was the democratic commissioner of election at poll No. 1 in Carroll Parish.

Q. Were you there all day?—A. I was.

Q. Did you assist in making up the returns at the close of said election?—A. I assisted in calling off the votes. T. B. Rhodes, another commissioner, kept one of the tallies, and some other parties present kept other tallies; finding upon footing them up the tallies did not all agree, we counted the votes all over again, and the tallies then kept did agree. The returns were then written up; there were either two or three copies; and the other commissioners and myself then signed them in the presence of each other.

Q. (The document A produced by R. K. Anderson being produced and exhibited to the witness.) Is this document one of the original returns made out at poll No. 1 and signed by you and the other commissioners, and does it give the true result of the election held at poll No. 1?

(This question is objected to by contestant.)

A. It is one of the original returns that was made up and signed by the commissioners, and it gives the true result of the election at said poll.

Q. After the returns were made out what was done with them and the other papers pertaining to the election at that poll, and with the ballot-box containing the ballots cast at that poll?—A. David Jackson, another commissioner, and myself took them to Providence, the parish site, and deposited them in the office of the clerk of the court, all except the returns, one copy of which was left with the clerk of the court and another given to the supervisor of registration of the parish.

Q. Did the commissioners of election at that poll give the voters reasonable opportunity to vote, and was it or not generally admitted that the election was conducted fairly?—A. I think they had ample opportunity to vote. I heard no complaint against its fairness until after the election was over.

Q. Did you see or did you know of or did you hear of any greenbacks being handed out to voters by any commissioner or other person?—A. I did not see anything of the kind, nor hear of it.

Q. Do you know Nicholas Burton?—A. I do.

Q. State whether or not he was present in the room with the commissioners frequently during the day of election watching how it was

conducted, and whether or not he made any complaint of unfairness to the commissioners or other persons, so far as you know or heard.—A. He was present the greater part of the day in the commissioners' room, and seemed to be watching the voting very closely. I do not recollect of hearing him make any complaints while the voting was going on. He complained of being defrauded of a few votes between the first and second counts.

Cross-examined by contestant:

Q. If your name appeared upon returns from the first ward before the returning-board showing a different result from that now stated by you, was or not your signature thereto genuine?—A. My signature thereto, if such were the facts, was either a forgery or the return itself had been changed or falsified.

E. M. SPANN.

Sworn to and subscribed before me this 30th day of April, A. D., 1875.
S. DUNCAN GLENN,
Notary Public.

Testimony of T. B. Rhodes, (recalled.)

T. B. RHODES recalled for contestant.

Question. Have you had any conversation since the election on 2d November, 1874, with Nicholas Burton, regarding the fairness of the election held on that day at poll No. 1? If so, please state it.—Answer. The first conversation I had with him was the day after the election—the day we signed the returns. Burton was claiming to be United States commissioner at the poll. He said he thought we, the commissioners, acted fair in the matter. I wrote or dictated a certificate on the tally-roll that Mr. Mayer, the other United States commissioner, kept. The certificate stated, in substance, that the election was perfectly fair, and that the tally-sheet exhibited the true result of the election at that poll. Mr. Mayer and Mr. Burton both signed the certificate. I had a conversation with Nicholas Burton again about a week after the election. He had just received the news of the election of Gla as State senator. Gla was a candidate on the same ticket as Burton. They were both colored men and nominees of the same wing of the republican party. He said that he was satisfied that his wing of the party was overwhelmingly defeated in the parish, but was satisfied as Gla was elected senator from this district. He further said that the commissioners at poll No. 1 should have given him thirteen more ballots than they did, for the last count gave him that many less than the first count did. He expressed his dissatisfaction in no other respect.

Q. Do you know a colored voter named Carson Johnson, and did you hear that he reported that "greenbacks" were handed out at the window at poll No. 1? And if so, state what you know of him and of the story, and of the facts in the case.—A. I know him and heard him give his evidence to the effect stated before the district court. I know nothing of him personally, but I do know that his statement that David Jackson, one of the commissioners, rolled up greenbacks in the registration papers and handed them back to the voters is untrue; because the tickets or ballots, together with the registration papers, were handed up to David Jackson, who took the ballot and handed the registration papers to me, which I indorsed "voted." Jackson then put the ballot in the box and I handed the registration paper to Mr. Mayer, who was

acting as democratic United States supervisor, and who handed it out to the voter. I never heard this report from any other source, and I don't believe it was possible to be true without my having some knowledge of it.

THOS. B. RHODES.

Sworn to and subscribed before me this May 1, 1875.

S. DUNCAN GLENN,
Notary Public.



Testimony of Hiram R. Lott.

Col. HIRAM R. LOTT, sworn for Frank Morey, contestee, testifies as follows:

Question. What is your name, residence, and occupation, and where were you at the election on the 2d day of November, 1874?—Answer. Hiram R. Lott; ward No. 4, Carroll Parish; planter; at Floyd poll No. 4.

Q. State what you know in regard to the fairness of the election held at that poll on that day.—A. I was there most of the day, but not at the opening or closing of the polls. The election was a peaceable and quiet one, every one voting that wanted to, so far as I know. It was generally observed that the election was an unusually quiet one.

H. R. LOTT.

Sworn to and subscribed before me this 1st day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of William H. Stroube.

WILLIAM H. STROUBE, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the day of election, 2d November, 1874.—Answer. William H. Stroube; Floyd, Fourth ward; clerk, and member of police jury and notary public. Was in the town of Floyd, poll No. 4, Carroll Parish.

Q. State what you know of the character the election held at that poll on that day?—A. I was at the polls when they were opened; was there most of the day, and was there when they closed. So far as I know the election at that poll was free, fair, and peaceable. Heard no complaints at all, either then or since. I was present most of the time while the vote was being counted. I heard the result of the poll, but cannot remember now the figures.

Q. Do you recollect what the vote was at that poll for Spencer and for Morey for Congress? And if so, state it.

(Contestant objects to this question on grounds heretofore stated.)

A. To the best of my recollection the vote as announced by the commissioners was for Morey one hundred and fifty-five and for Spencer seventy-four.

WM. H. STROUBE.

Sworn to and subscribed before me this 1st of May, A. D., 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of P. Jones Yorke.

P. JONES YORKE sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the 2d of November last at the election?—Answer. P. Jones Yorke; third ward, Carroll Parish; planter; poll No. 3.

Q. State what you know of the manner in which the election at said poll was held and conducted.—A. Was at said poll nearly all day. The election was quiet and orderly, and the people voted promptly. It was as quiet and as fair an election as I ever saw. It was generally conceded that the election was free and fair by members of both parties. I remained all night and till the counting of the votes was finished next day, and until the tallies were made up and the ballot-box sealed.

Q. Do you recollect what vote was cast at that box for the candidates for Congress? If so, state what it was.

(Contestant objects to this question, as heretofore.)

A. I do not recollect the exact number, but there was between five and six hundred cast at that poll. They were nearly all cast for Morey, both factions of the republican party voting for Morey. Spencer received only the votes of a part of the democrats who voted at that box.

Cross-examined:

Q. Were you not a candidate on the ticket of one wing of the republican party for the legislature?—A. I was.

P. JONES YORKE.

Sworn to and subscribed before me this 3d day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of B. H. Lanier.

B. H. LANIER sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were at the election in Carroll Parish on the 2d of November last.—Answer. Benjamin H. Lanier; residence Carroll Parish, Louisiana; was until March last editor of the Lake Republican, a newspaper published in Providence, Carroll Parish; am now tax-collector of said parish; was at poll No. 2, Carroll Parish.

Q. State what you know of the character of the election held on that day at that poll?—A. I was at and around the polls the entire day. The election was peaceable, quiet, and generally regarded as very fair. I remained at the polls until after the votes were counted, and assisted in keeping the tally-sheet.

Q. State, if you know, what the total vote was that was cast at that poll, and state the vote that was cast for the candidates for Congress, if you know.

(Contestant objects to this question, as heretofore.)

A. According to the best of my recollection, the entire vote for congressional candidates was something over seven hundred. I think Spencer received forty-eight, forty-nine, or fifty votes, and Morey the balance of the total vote.

Q. Do you recollect whether or not the actual vote for the different candidates for State treasurer, Congress, and State senate was or not published in one of the newspapers published at Providence, or an extra-

of the same, and if so, in what paper, and was or not that publication a correct statement of the vote cast at poll No. 2 for the different candidates mentioned therein?

(Contestant objects to this question, as heretofore.)

A. True Republican, newspaper published at Providence, published a statement of the votes cast for the senatorial candidates, which I regarded as correct. This was published in an "extra."

Q. State whether or not this vote so published did not correspond with the vote announced at conclusion of the counting at poll No. 2.

(Contestant objects to this question.)

A. The statement published in the True Republican did correspond with the actual count made by the commissioners at poll No. 2.

Cross-examined:

Q. Did you keep a tally during the whole time and continuously while that vote was being counted?—A. I did not. I think it took about twenty-four hours to count the vote, and it would have been impossible almost for a man to have tallied continuously for that time.

Q. Do you know of your own knowledge what the vote and result at that poll was?—A. In my direct examination I gave the result of that vote to the best of my knowledge and belief.

Re-examined by contestee:

Q. Were or not several tallies kept by different parties present, and if so, were or not they kept under the direction or supervision of commissioners at that poll?—A. There were three tally-sheets kept under the direct supervision of the commissioners at poll No. 2. One of these tallies I assisted in keeping. Those who kept each tally relieved each other from time to time in the labor.

B. H. LANIER.

Sworn to and subscribed before me this 3d day of May, A. D. 1875.

S. DUNCAN GLENN.

Notary Public.

Testimony of R. K. Anderson, (recalled.)

R. K. ANDERSON recalled by contestee, Frank Morey.

Question. Please state whether or not you have any of the poll-lists or other evidences of the election held in November last in your possession or charge.—Answer. The one that I produced when first examined I received from the clerk of the court. All the poll-lists and the returns signed by the commissioners were made singly at the poll of which I was a commissioner, and I turned them over to the supervisor of registration, which I did not receive back from him. I had nothing to do with the election at any other poll, nor did I receive from the clerk or any one else any poll-list, tally-sheet, or return of the election. The tally-lists at poll 3 were made in triplicate.

Q. Did you see or do you know what disposition was made of the ballot-boxes containing the ballots cast at said election in this parish, or of any of the returns or other papers connected with said election?—

A. The ballot-boxes containing the ballots were deposited in the office of the supervisor of registration when they were brought to the parish site by the commissioners of election. I saw them there on the day after the election, or the next day. I know nothing of their disposition since then.

Q. Has or not a term of the district court been held in this parish since the election in November last?—A. There was a session commencing on the first Monday in December last, I think.

R. K. ANDERSON.

Sworn to and subscribed before me this 3d day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of Charles H. Nash.

CHARLES H. NASH sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were on 2d of November last, the day of the election in Carroll Parish.—Answer. Charles H. Nash; Carroll Parish; planter; and am president of the police-jury. Was at poll No. 5 on the day of the last general election.

Q. Were you or not a member of the police jury of this parish at the time and previous to the last election, and if so, state whether in appointing commissioners of election the police-jury selected them from different political parties?—A. I was president of the police-jury at the time referred to. The police-jury appointed one democrat and two republicans at each poll in the parish.

CHARLES H. NASH.

Sworn to and subscribed before me this 3d day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of W. W. Benham.

W. W. BENHAM, sworn for contestee, Frank Morey, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the 2d day of November last, the day of the last election.—Answer. W. W. Benham; Carroll Parish; planter; was at poll No. 2 in said parish on the day of the last election.

Q. Were you one of the commissioners of election at poll No. 2?—A. I was.

Q. Were you present as commissioner of election at said poll all day, and did you assist in tallying the votes cast at that poll, and in making up the returns thereof?—A. I was present during the entire day; never left the poll from morning until night. I assisted in counting the vote by examining and calling off every ticket the ballot-box contained. The ballots, as I called them off, were tallied by several persons under the supervision of the commissioners, who relieved each other from time to time. There were three tally-sheets kept. The returns were made up from the result of the tally-sheets.

Q. During the day of the election what was your own particular duty?—A. My duty was to receive the registration papers from the voters, compare them with the poll-book, and indorse "voted" on the registration papers, and sign my name as commissioner of election to the registration papers.

Q. Do you recollect how many votes were cast at that poll; and have you any memoranda, such as tally-lists, or lists of voters, or anything of that kind, pertaining to the election at said poll?

(Contestant objects to this question.)

A. Seven hundred and thirteen, as shown by the list of votes kept by one of the commissioners of election. I have a list of the names of those who voted at that poll on that day.

Q. By whom was that list kept or made?

(Contestant objects to this question.)

A. Mr. Joseph Leddy kept the list until about 3 or 4 o'clock in the afternoon, and was then relieved by Thomas F. Montgomery, the democratic commissioner. When the polls opened in the morning there were but two of the commissioners present. In that case the law made it the duty of the two commissioners to appoint a third, which we did, appointing Mr. Joseph Leddy, at the suggestion of the by-standers, in the place of Mr. Thomas F. Montgomery, who was absent. Mr. Leddy served as commissioner until the arrival of Mr. T. F. Montgomery in the afternoon, by whom he was relieved.

Q. Will you please produce the list of voters of which you speak?

(Document produced, certified copy of which is marked "Exhibit C," and attached hereto. See appendix, testimony in Carroll.)

(Contestant objects to the introduction of this document in evidence.)

A. This is the document.

Q. Who wrote and who signed the jurat attached to this document?

A. I wrote the jurat myself, following the form prescribed by law. It was signed by myself, T. F. Montgomery, and S. S. Murray, and the oath administered by F. T. Austin, justice of the peace, second ward. It was done at the polls immediately after closing the ballot-box, and before proceeding to count the votes.

Q. Did the number of tickets counted out of the ballot-box at the conclusion of the election correspond with the number of persons voted, as shown by this list?—A. It did, exactly.

Q. Were or not the ballots counted out of the ballot-boxes at the polls where they were cast, and the tally-sheets made up therefrom in the presence of such voters as chose to attend, and did not several voters so attend?—A. They were counted at the polls where they were cast without removing the ballot-box. The tally-sheets were made up in the presence of ten or fifteen voters, representing the democratic party and both wings of the republican party. Mr. Blount, the democratic United States supervisor of election, stood over the ballot-box with me, and saw by the tickets as I held them in my hand that they were called just as they were printed or written.

Q. Of the votes cast at poll No. 2, state if you know how many were cast for W. B. Spencer and how many for Frank Morey, respectively, for Congress.

(Contestant objects to this question on the grounds heretofore stated.)

A. Upon summing up the tally-sheets on congressional vote, there was found to be three or four votes less on the congressional vote than the number of votes shown by the list. The vote for Spencer was either forty-nine or fifty; and the balance of the vote, less the three or four who did not vote for Congress, was the vote received by Frank Morey—six hundred and sixty or six hundred and sixty-one.

Q. In voting at that election, were or not all the candidates voted for on one ticket or ballot?—A. The names were all on one ticket.

Q. Then when you state that there were three or four less votes for candidates for Congress than for other candidates, do you mean that the names of the candidates for Congress were erased from the three or four tickets?—A. I do.

Q. Was or not the result of the vote given to the United States su-

pervisor, or other persons present, or publicly announced, as soon as the result was ascertained?—A. A memorandum of the vote was taken from the tally-sheets by Mr. Lanier and Capt. W. B. Dickey. The congressional vote for the entire parish was given by me to Mr. Blount, United States supervisor of election, from the tally-sheets, after they were received from different polls.

Q. Do you mean after they were received by the supervisor of registration of the parish?—A. I do. They were in my possession as clerk of the said supervisor of registration.

Q. Do you recollect the number of votes that were cast in the parish for members of Congress, as shown by the returns from the different polls, as made to the supervisor of registration for the parish, and which were in his possession or in yours as clerk of the supervisor of registration? And, if so, state what the vote was.

(Contestant objects to this question on the ground as heretofore stated.)

A. I have forgotten the exact number of votes cast in the parish as shown by the returns in the possession of the supervisor of registration, but am of the impression that the entire vote was something over two thousand. And of that vote Mr. Spencer received something over two hundred, and Mr. Morey the balance.

Q. Are you not certain that the total vote cast for members of Congress was over two thousand?

(Objected to by contestant.)

A. I know that it was more than two thousand, but cannot recollect the exact figure.

Q. Who was the supervisor of registration for this parish?—A. Robert M. Lackey.

Q. Is or not he rather an illiterate colored man?—A. He is a colored man who reads and writes.

Q. Was the business of his office transacted by himself or his clerks?—

A. Mr. Lackey was present to oversee the business of his office, which was done mainly by his clerks.

Q. Was there or not a consolidated return or statement of votes cast in the entire parish made up and signed by the said supervisor?—A. There was such a statement made up and signed by him in my presence.

Q. From what data was this statement made up?—A. It was made up from the several reports of commissioners of election at the different polls.

Q. State, if you know, what was done with this consolidated statement.—A. It was delivered to the clerk of the returning-board in New Orleans, and his receipt taken for the same. This is the receipt.

(This is a copy :)

“75.

N. ORLEANS, Nov. 17, 1874.

“Received of supervisor one p’k’g, said to contain tally-sheets, statements, and votes according to law, for the parish of Carroll.

“CHAS. S. ABELL,

“Ass’t Sec’y.”

Q. What was the character of the election held at poll No. 2, so far as peace, order, and fairness was concerned?—A. Everything was quiet the entire day. The democratic commissioners expressed themselves as being perfectly satisfied with the fairness of the count and the election generally. Heard no complaints as to the fairness of the election from anybody.

Cross-examined by contestant :

Q. Did you make your returns in triplicate or duplicate at poll No. 2?—

A. We made them in duplicate.

Q. By whom and when were those returns signed, and before whom sworn to, if at all?—A. They were signed by the three commissioners of election, to wit, myself, Thomas F. Montgomery, and S. L. Murray, a day or two after the election, and I think on Wednesday, just as soon as the counting of the vote was finished. I don't recollect the magistrate by whom the oath to the returns was administered to the commissioners. The tally-sheets were not sworn to at all, the law not requiring it. The commissioners had several oaths to take. I recollect I swore to one before Mr. Lacky, J. P., one before Mr. Austin, J. P., one before C. E. Moss, parish judge, and one before T. R. Thrall, J. P.

Q. Were you and Mr. Murray the republican commissioners at that poll; and, if so, to which wing of the republican party did you belong, the Benham or Gla wing?—A. We were the republican commissioners. I voted the Benham ticket. On the day of the election we represented both wings. I don't know what ticket Murray voted. In the congressional contest there was no contest between Benham and Gla, both supporting Morey for Congress.

Q. Was or not S. L. Murray understood, known to be, and generally regarded in the community as a supporter of the Benham ticket?—A. I do not know.

Q. Who were the republican commissioners at poll No. 3, and were they or not known and understood to be in the community as supporters of the Benham ticket?—A. R. K. Anderson and Dub Anderson. I believe R. K. Anderson was generally considered to be a supporter of the Benham ticket. Don't know myself how Dub Anderson stood or how he was regarded by the community.

Q. At poll No. 1 who were the republican commissioners, and were they or not known and reputed in the community as supporters of the "Benham ticket"?—A. T. B. Rhodes and David Jackson. I don't know how Rhodes was regarded. Jackson was at one time connected with the "Gla wing." Later in the campaign he pretended to have been converted. I don't know how the community regarded him.

Q. Who made the deposit with and took the receipt of the clerk of the returning-board of and for the consolidated returns of the supervisor of registration referred to by you?—A. I believe I did.

Q. Have you had in your possession since the election the list of voters which you produced on your examination-in-chief?—A. It has been under lock and key in my possession ever since the night of the election.

Re-examined by contestee :

Q. In stating that the returns from poll No. 2 was signed by the three commissioners, do you or not mean the returns proper or the statement of votes, or the list of voters who voted?—A. I meant the returns. The list of the persons voting would hardly be considered a part of the returns necessary to be put before the returning-board.

Q. Was not T. B. Rhodes, who was a commissioner at poll No. 1, considered a democrat?—A. Two years ago he was connected with the democratic party; don't know whether he held out faithful or not. Am of the impression that he was more of a democrat than a republican.

W. W. BENHAM.

Sworn to and subscribed before me this 4th day of May, A. D. 1875.

S. DUNCAN GLENN,

Notary Public.

Testimony of W. B. Dickey.

W. B. DICKEY, sworn for contestee, Frank Morey, testifies as follows :

Question. State your name, residence, and occupation, and where you were on the day of the election on 2d of November last.—Answer. William B. Dickey, Carroll Parish ; my last occupation was deputy collector of United States internal-revenue. Was at poll No. 2, Carroll Parish, on 2d day of November last, the day of election.

Q. How long were you at that poll on that day and immediately afterward ?—A. Was there all day until the poll closed. At the closing of the poll I retired and returned to the poll between 12 and 1 o'clock that night, when they were still engaged in counting the votes, where I remained until the counting was completed. When I came in between 12 and 1 o'clock at night, I took the place of Thomas F. Montgomery, democratic commissioner at that poll, in keeping one of the tally-sheets, and remained until the count was finished.

Q. Was or not the election held at that poll peaceable, quiet, and fair ?—A. It was, and was so generally admitted by all parties.

Q. Did you or not learn the result of the vote cast at that poll when the count was completed ? And, if so, state what it was, if you recollect.

(Contestant objects to this question.)

A. I think the entire number of votes cast at said poll was seven hundred and nineteen. The vote for senator was two hundred and eighty-two for Gla and four hundred and twenty-seven for Benham. There were forty-nine for Spencer for member of Congress and for Morey six hundred and sixty-four or five for Congress. I do not recollect the vote cast for State treasurer, but that Moncure got about the same vote as Spencer did and Dubuclet about the same vote as Morey did.

Cross-examined by contestant :

Q. Do you know to what wing of the republican party that W. W. Benham and S. L. Murray belonged, and to which branch were they reputed in the community to belong, to the Benham or the Gla wing ?—A. W. W. Benham belonged to the Benham wing. Couldn't say to which wing that S. L. Murray belonged. Murray was reputed to belong to the Benham wing.

Q. To which wing of the republican party did R. K. Anderson and Dub Anderson belong, also David Jackson ?—A. They belonged to the Benham wing.

Q. Did you hear any complaints on the day of election at poll No. 2 of persons taking tickets out of the hands of colored voters and tearing them up and giving them others ?—A. I heard of no complaints until after the polls were closed.

Q. You state that you were not present during all the time that the votes were being counted and tallied, do you know of your own knowledge the truth of the statement of the votes given by you ?—A. I only know that the three tally-sheets kept agreed at the end of the counting. I do not know of my own knowledge that these tally-sheets were correctly kept during the whole time of counting, as I was not present all the while. I know that mine was correctly kept from the time that I commenced keeping it.

Q. Are you positive about the congressional vote and have you never stated it differently ?—A. I am positive about the congressional vote, and do not recollect of ever having stated it differently.

Re-examined by contestee :

Q. Did you take any memoranda of any part of the result of the

election at poll No. 2; and, if so, does the statement that you have made with regard to the vote for member of Congress agree with the memorandum that you took at the closing of the count?

(This question objected to by contestant.)

A. I did take a memorandum of the votes so far as the candidates for senator, members of Congress, and house of representatives, and the memoranda so far as Congress is concerned agreed with my testimony on that point. I have lost all my memoranda except that of senator, or misplaced them.

W. B. DICKEY.

Sworn to and subscribed before me this 4th day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of J. E. Leonard.

J. EDWARDS LEONARD, sworn for contestee, Frank Morey, testifies as follows:

Question. What is your name, residence, and occupation, and where were you on the 2d day of November last, the day of the election?—

Answer. J. Edwards Leonard; Carroll Parish; lawyer, and district attorney for thirteenth judicial district of Louisiana. I was in Providence, La., on the day of the election.

Q. Has Mr. Lackey, the supervisor of registration of this parish, and yourself ever had any conversation in regard to the vote cast in this parish at the last election or in regard to the returns made thereof? And, if so, please state what it was.

(Contestant objects to this question.)

A. Shortly after the official returns for Carroll Parish were published in the New Orleans papers, Mr. R. M. Lackey was in my office, and I inquired of him whether the returns as published were correct and such as he made. I inquired particularly in regard to the vote for State senator. Mr. Lackey told me that the returns, as he made them, gave Benham twenty-two hundred and odd votes and Gla two hundred and odd; that Benham's majority in the parish was about two thousand; that he so returned.

Q. Did you vote at the election 2d of November last; and, if so, where, and about what hour of the day did you vote?—A. I voted at poll No. 2, parish of Carroll, late in the afternoon.

Q. Do you know of or did you hear of any complaints made on that day against the fairness of the election held at that poll?—A. I heard no complaints until a number of days after the election, when Nicholas Burton came to me to bring a suit for him, the record of which was offered by contestant.

Cross-examined by contestant:

Q. Are not Dub Anderson, David Jackson, and S. L. Murray, who were commissioners of election, colored men?—A. They are.

J. E. LEONARD.

Sworn to and subscribed before me this 4th day of May, 1875.

S. DUNCAN GLENN,
Notary Public.

Contestee offers in evidence the report of the grand jury of the parish of Carroll, made at the December term, 1874, of the district court, and marked Exhibit D. (See appendix testimony in Carroll Parish.)

(Objected to by contestant.)

Contestee here closed his testimony this 4th day of May, A. D. 1875.

TESTIMONY OF CONTESTANT IN REBUTTAL.

Testimony of Nicholas Burton.

NICHOLAS BURTON, sworn for contestant, testifies as follows :

Question. What is your name, residence, and occupation, and where were you at the election on 2d November, 1874?—Answer. Nicholas Burton; Carroll Parish; my occupation has been that of sheriff of the parish of Carroll; was at poll No. 1 on the day of the election referred to.

Q. State what you know as to the manner in which said election was held at that poll, how the voting was done and where.—A. The election was held in an out-house, being one of the quarters owned by Captain Rhodes. In the morning of the election-day the ballot-box was at the door of the house. It was kept there about two or three hours; then they took it and carried it to a window, about 6 feet above the ground, and closed the doors of the house. The window had wooden bars across it up and down. After the box was moved to the window, about three-fourths of the votes polled were handed up on sticks from the ground. The others voted by reaching up with their hands. Those voting at the window could not, a man of them, see what was done with their tickets. At first the box was placed about 2 feet from the window-sill on a table, but the voters on the outside ran their sticks so far in as to annoy the commissioners, and they then moved the box about 4 feet from the window. This moving of the box back rendered it still more difficult for the voter to see what became of the ballot.

Q. Was any public announcement or proclamation made to the voters that those of them who desired could come inside the house and vote, and was the public admitted to said house?—A. There was no such proclamation or announcement made. The public were not allowed to come inside of the house, but the door was shut and barred and an officer stationed there to guard it.

Q. Did you or not see persons hand up at different times more than one ballot?

(Objected to by contestee on the ground, first, that contestant made no attempt or failed to produce any evidence-in-chief on this point; and, second, that this question or the answer thereto is not and cannot be in rebuttal of any evidence produced for contestee.)

A. I saw one person hand up four or five ballots.

Q. Did you see any one of the commissioners change ballots handed to him to be put in the box and put in a different ticket, and who was that commissioner?

(Contestee makes same objection to this question as above.)

A. I did see a commissioner at said poll so do, and that commissioner was David Jackson.

Q. Did you or not then and there remonstrate with him against such conduct?

(Same objection by contestee.)

A. I did, and said to him that "that was not fair to drop my tickets and put in his." He tried to bluff me out of it, but I showed him the tickets he had dropped laying on the floor.

Q. Could or not the commissioners of election, where they sat while receiving votes through the window, identify and see who the person was who handed in his ticket?

(Same objection by contestee as above.)

A. The commissioners could not have done so without getting up and going to the window, which they did not do over one-tenth of the time.

Q. T. B. Rhodes has testified in this case to certain conversations with you relative to the election at poll No. 1 and the parish generally. I now read to you his statement. Did you have such conversations with him?—A. What I said to Captain Rhodes was this: I met Captain Rhodes a day or two after the election and I told him that he had swindled me and my ticket out of eleven votes, and placed them to the credit of our opponents, that is, the Benham ticket. He denied it. That is the only matter that I talked with him about. I did not say or concede that my ticket had been overwhelmingly beat in the parish of Carroll.

Q. Are you not a member of the republican party?—A. I am.

Q. Do you or not know that David Jackson, commissioner at first ward, poll No. 1, is a strong republican, and was he or not a very active and even violent partisan during the last election?—A. To the best of my knowledge and belief he is. He attended every convention of the Benham wing of the republican party and participated actively therein, as also in many of their political meetings.

Q. Are you or not acquainted with S. L. Murray, R. K. Anderson, and Dub Anderson, and do you or not know that they were active and known supporters of the Benham wing of the republican party, and have you or not seen W. W. Benham in conventions and public meetings of said wing with them, and where they were supporting by speeches the Benham ticket?—A. I do know the parties named, and they were active supporters of the ticket named, and I have seen W. W. Benham in conventions and meetings with them, as stated in the question.

Q. Was or not there in the Gla wing of the republican party of Carroll a strong feeling against Mr. Morey for Congress on account of his supposed favoring of Benham against Gla?—A. There was among the leading republicans of the Gla wing.

Cross-examined by contestee:

Q. You stated that those who did not vote on sticks reached up their own ballots. Could not all of the voters have done the same, had they chosen to do so, and waited for their opportunity?—A. I think they could if they had waited and taken their turn, provided they were men of ordinary height. But the little fellows would have had to stretch mightily to have reached up to the window-sill.

Q. You said the window was about 6 feet from the ground. Are you positive that it was more than 5 feet 10 inches?—A. I measured it, and made it a little over 6 feet; about one inch and a half over it.

Q. You said that the door was closed after the removal of the box to the window and the voters were excluded from the room; do you mean to say that the commissioners allowed nobody to come into or remain in the room after that time?—A. They allowed myself, who was sheriff, and other officers, such as constables, United States supervisors, and other officers, to remain in the room, but excluded those who were voting, so that all might vote at the window; but I got three of my friends in through the favor of the officer at the door, all of whom voted while inside. While the last one of these three was voting David Jackson ob-

jected to it, and I said "let this one vote and I will bring no more inside."

Q. Were you not inside of the room a greater part of the day?—A. I was.

Q. Were you watching the election pretty closely?—A. I was trying to, but they rather got away with me.

Q. How many ballots do you know were exchanged by David Jackson for others?—A. I could swear to only one which I saw him change, but there was another laying on the floor in the same position, but I do not know that this one was changed.

Q. What difference was there in the two ballots that was so exchanged?—A. Mine was a white ticket and his was what we called "calico back," they had the names of different candidates on them for State senator, members of the house of representatives of the State, sheriff, parish judge, and other minor officers; they both had the same name for State treasurer and member of Congress on them. Both tickets had the name of Frank Morey for member of Congress on them.

Q. Who handed up the four or five ballots which you spoke of as having been handed by one person?—A. Cain Sartain, a candidate for the house of representatives on the Benham ticket.

Q. Did he not hand them up for voters who desired him to do so?—A. He said so after I stopped him. He said he could show the men whose tickets he handed up, and started off to find them, but did not come back. I do not know that he did not hand up these tickets at the request of voters, but I did not believe he did.

Q. Did anybody complain that Cain Sartain handed up tickets for them without their consent?—A. I heard no such complaint.

Q. Was not the registration-paper of the voter always handed up with the ballot?—A. I believe they were.

Q. Do you know of any other person, except Cain Sartain, who handed up the ballot, either by hand or on a stick, whom you knew was not the party named in the registration-paper which accompanied the ballot?—A. Not to my own knowledge.

Q. Did you remain and watch the tallying and counting of the tickets out of the box and learn the result of the election at that poll?—A. I only remained part of the time. I was backwards and forwards until the close.

Q. Did the change of eleven votes for the candidates on your tickets, that you spoke of, result from a difference in the footing of the two sets of the tally-sheets?—A. The tickets were first tallied off once. While they were being tallied, David King, a friend of mine, and myself alternately kept a tally of our own, and at the conclusion the result of the tally-sheets kept under the supervision of the commissioners did not agree with mine, at which I complained. They then made a second tally of the ballots, and it was by that tally that I lost eleven votes, which were placed to the credit of the other side, or the Benham party ticket.

Q. Did this change affect the result of the vote for member of Congress that you know of?—A. I cannot state.

Q. Whose name for member of Congress was on the regular tickets of both wings of the republican party at that poll?—A. The name of Frank Morey was printed on the regular ticket of both wings. But on a good many of these tickets William B. Spencer's name in print on a slip was pasted over the name of Frank Morey.

Q. Do you know of your own knowledge that any of these tickets with Spencer's name pasted on them was voted at poll No. 1? And, if so, state how many and by whom they were cast?

(Question objected to by contestant.)

A. I know that some of them were voted; I do not know the number, but can state some of the names who voted them, to-wit: J. G. Lynch, who says he was never a democrat, but was an old-line whig before the war, and who now calls himself a conservative; three of the Berndts, who are conservatives; the two Meyers, Jacob Stein, all of whom are classed as conservatives. These were all I can name, but I know of some others whose names I do not recollect. The conservatives voted the "pasted ticket."

Q. What do you mean when you say that David Jackson was a violent partisan?—A. I mean that when he can't carry his point at political meetings by talking he is ready to do it by fighting.

Q. How many of the leaders of the Gla wing were there who had this feeling that you speak of against Mr. Morey?—A. There were five of them that I know of, to-wit: J. A. Gla, Ed. Burton, Nicholas Burton, David King, Ed. Jackson, and Henry Atkins.

Q. Do you know that any of these did not support Mr. Morey for Congress and did not the Gla wing generally support him?—A. I know three of them who did support and vote for him notwithstanding this feeling, and two of the others told me that they did the same, and the Gla wing generally supported Mr. Morey.

Q. Did you ever before swear as to the height of the window from the ground at poll No. 1 where the voting was done on the day of the election; and, if so, do you recollect to what you swore on that point?—A. I have frequently mentioned it, but I do not recollect that I ever swore to it. I frequently mentioned that it was between 6 and 7 feet, until I measured it.

Q. Did you not testify in the case of Burton and others against Hicks and others that you had measured the distance, and that it was 6 feet and 10 inches?—A. I don't think that I ever did; that is, I don't remember that I did.

Q. Are you the same Nicholas Burton who is a party to the suit of Burton and others vs. Hicks and others, in which it is attempted to set aside the election in this parish?—A. I am.

Re-examined:

Q. If you stated in your testimony in said case it was 6 feet 10 inches was it not an error of yourself in stating or of the clerk in writing it down?—A. It was an error. I did not intend to so state it.

Q. Was or not William B. Spencer supported generally by the white people of Carroll Parish for Congress?—A. He was.

Re-cross-examined:

Q. When you say the white people of Carroll Parish supported Mr. Spencer generally, do you not mean the white democrats or conservatives?—A. I do.

NICHOLAS BURTON.

Sworn to and subscribed before me this 6th day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of William Blount.

WILLIAM A. BLOUNT, sworn for contestant, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the 2d of November last, the day of the general election.—An-

swer. William A. Blount; Carroll Parish; painter; was at poll No. 2. I was the democratic United States supervisor for Carroll Parish.

Q. Were you present at the counting of the vote at poll No. 2 at said election and who called the vote in counting them?—A. I was present. W. W. Benham called the vote.

Q. I now read to you the statement of W. W. Benham, that you stood over the ballot-box with him and saw the tickets as he held them, and that they were called just as they were printed or written. State the facts as they occurred, and is Mr. Benham's statement correct?—A. Not altogether is it correct; I was absent about half an hour of the time on Tuesday morning. When we first commenced counting the vote I watched it very closely for an hour or two; afterward I remained in the room, but did not all the time inspect the votes as they were called. They commenced counting the vote about half-past 6 or 7 o'clock Monday night, and closed about 8 o'clock on Tuesday night. I do not know that the vote was correctly called.

Q. Were you after the election given an opportunity to inspect the tally-sheets, votes, and returns of any of the polls of Carroll Parish, and did you see them?—A. I did not see them. I waited around the building where they were supposed to be, to wit, the supervisor of registration's office, and asked many times to see them. I did not succeed in getting to see them.

Q. Did Mr. W. W. Benham furnish you with a statement of the votes which he in your presence took from the tally-sheets and returns?—A. He gave me a little strip of paper with some memoranda of the votes which he said the parties had got in the parish or at the second poll, I don't remember which; but I saw no tally-sheets or returns, and know nothing of the correctness of his said memoranda. That was all the information I was given or got of the result of the election.

Q. Do you know whether Thomas F. Montgomery, commissioner at poll No. 2, signed the returns and tally-sheets of said poll?—A. He did not sign them at the polling-place, and told me he never had signed them and never would sign them.

Q. Were or not R. K. Anderson, S. L. Murray, Dub Anderson, David Jackson, and W. W. Benham known in the community as being active and zealous supporters and partisans of the Benham wing of the republican party?—A. They were so known, and were among its strongest supporters.

Q. How is T. B. Rhodes classed and known politically in this parish?—A. As a republican. I have never heard of him being anything else.

Q. How many white republicans do you think are in Carroll Parish?—A. I suppose between one hundred and twenty-five and one hundred and fifty. Maybe not so many.

Cross-examined by contestee:

Q. When you left to go to breakfast the morning after the election, and was absent from the polling-place, as you say, about half an hour, was or not W. B. Dickey left in your place to watch the calling-off of the names on the ballots?—A. I left him there to do that, but when I came back I found him at work on the tally-sheets.

Q. While you watched the calling-off of the votes were they called correctly?—A. So far as I could see they were called correctly. I mean that during the time that I inspected the tickets after they were called they were called correctly.

Q. During the rest of the time that the counting was done in, did you or not from time to time, that is occasionally during Monday night and

Tuesday, pick up the ballots that had been called off and examine them in order to satisfy yourself that the calling-off was progressing fairly?—A. I did examine them two or three times for that purpose.

Q. Did you detect any error in the calling-off? If so, state what it was.—A. I did two or three times in this wise: The name of Gla, Burton, and Spencer was incomplete or not the full name, that is, did not have the initials. I called attention to the fact at the time. These votes were put down on the bottom of the tally-sheet and not counted in the regular vote for these candidates under their full names, but were put down to the credit of the incomplete name as it appeared on the ballot.

Q. Did you or not see the tally-sheets and other papers of poll No. 2 when the counting and tallying at that poll was completed?—A. I saw the list of voters who had voted and the tally-sheets about 8 o'clock Tuesday night after the votes in the box had all been called. The tally-sheets were not then cast up and carried out, nor signed by the commissioners; but Mr. Dickey figured up for his use and mine the number of votes that were cast for two of the candidates, to wit, Gla and Benham, candidates for State senate.

Q. Please state what that vote was.

(Objected to by contestant.)

A. The vote was: Gla, two hundred and eighty-two; Benham, four hundred and twenty-seven.

Q. Did you or not at that time ask for or take a memorandum of the vote for Spencer for Congress at that poll? And, if so, state what it was.

(Contestant objects to this as heretofore, as incompetent evidence.)

A. I did take a memorandum, and it was sixty-five votes.

Q. And what was the vote cast for Frank Morey for Congress at that poll?

(Same objection by contestant.)

A. I did not figure up his vote to see.

Q. Did not Mr. Dickey figure it up?—A. He might, but I did not see him.

Q. Did he not tell you what it was at that time?—A. Not that I remember.

Q. Have you not since that day stated to more than one person the vote cast for Morey for Congress at that poll? And, if so, state the vote that you told them.—A. I do not remember stating the number to any one, because I did not know what it was, and do not think I ever told anybody so.

Q. Were not T. B. Rhodes and E. J. Delong delegates from this parish in 1872 to the convention of the liberal party at New Orleans which afterward formed a part of the fusion party, and which supported McEnery, the democratic candidate for governor?—A. I do not know that Rhodes was, but Delong was.

Q. Was or not T. B. Rhodes the supervisor of registration in this parish in 1872, and was he not appointed by Governor Warmoth, and was not Warmoth supporting the fusion ticket at that time, and was not Rhodes at that time considered or known to be a liberal, and not a supporter of the Kellogg or republican ticket?—A. I believe he was the supervisor; cannot say by whom appointed. I cannot say of my own knowledge who Warmoth supported, but the impression generally was that he supported the fusion ticket. I do not know how Rhodes stood politically in 1872.

Q. Have you ever made any statement of the election in Carroll Parish to the chief supervisor for this State of this judicial circuit at New Orleans?—A. I sent a statement to A. J. Aiken at New Orleans

to be delivered to the democratic central committee, giving a statement such as I got from deputies I appointed at different polls, but who were not appointed by Judge Woods, and whom I appointed, supposing I had the right to do it. I knew nothing about the correctness of the statements I got from the deputies.

Re-examined by contestant :

Q. You say you counted sixty-five tallies on the tally-list of poll No. 2 for Spencer. From your knowledge of the persons voting at this poll, do you not believe that he received more than that vote in point of fact?

(Objected to by contestee.)

A. From my knowledge of the persons voting at said poll and the list of voters, I think Spencer received thereat more than sixty-five votes.

Recross-examined by contestee :

Q. Do you of your own knowledge, except as derived from the tally-sheet, know that Spencer received sixty-five votes at poll No. 2?

(Contestant objects to this question.)

A. Of my own knowledge, I don't know.

W. A. BLAND.

Sworn to and subscribed before me this 6th day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of D. S. Vinson.

Dr. D. S. VINSON, sworn for contestant, testifies as follows :

Question. State your name, residence, and occupation, and where you were on the 2d of November last, the day of the last general election.—

Answer. Daniel S. Vinson; Carroll Parish; physician. Was at poll No. 1.

Q. Please state how the election at that poll was conducted, and how and where the voting was done.—A. I was outside of the house, and know nothing that transpired inside. The voting, while I was at the poll, was done by handing the tickets or the ballots through the window. From my observation, without having measured it, the window was between 6 and 7 feet from the ground, where the voters stood. The window had slats across it, up and down, about 3 inches apart. Some of the voters handed their ballots up to the window on the ends of sticks, and some reached them up with their hands.

Q. Could the voter see the ballot-box from the place where he stood, and see what disposition was made of his ballot, and could he have deposited it in the box himself?—A. I do not think the voter could see the box, nor could he see what was done with his ticket, I think, because the window-sill was higher than a man's head. I am about 6 feet high myself, and did not see the box. I think a voter could not have put his ticket in the box with his own hand.

Q. Was or not the door leading into the room where the commissioners were kept closed while you were there?—A. Yes, sir. I did not see it open at all.

Q. From the situation, could the commissioners have seen the person handing up his ticket without coming to the window?—A. I think not.

Q. Did or not you see one same person hand up tickets more than one time to the window?—A. I did not.

Q. Did you vote on that occasion, and why not?—A. I did not vote, though I could have done so; there was nothing preventing me, except I did not want to wait. There was no trouble that I saw about the poll; everything was peaceable and quiet.

Q. How long were you present at the poll?—A. Between half an hour and one hour.

Cross-examined by contestee:

Q. How do you rank yourself politically?—A. I am a democrat, dyed in the wool.

Q. How long have you resided in this parish?—A. Twenty-five years.

Q. Are you not generally recognized in the community as a good, substantial citizen?—A. So far as I know; I have heard nothing to the contrary.

Q. How many voters did you see voting on sticks?—A. While I was there I did not see more than two or three. If I had been going to vote, I think I would have voted that way myself, as I could have done so more quickly than to have waited to have got closer to the window.

Q. You stated that you did not see the box; did you go up to the window to ascertain if you could see it?—A. I did not.

Q. Are you positive that the commissioners of election could not have seen the voters handing up their tickets?—A. I don't think they could, but am not positive.

Q. If a commissioner was sitting or standing close to the window, could he not have seen the voter?—A. I think he could.

Q. Are you acquainted with E. M. Spann and T. B. Rhodes, who were commissioners of election on that day? And, if so, state what their standing is in the community.—A. They are looked upon as good citizens.

Q. Are they or not men who would be believed to be truthful in making any statement which they might make under oath?—A. I should think they were; they are very correct men. I have never heard anything to the contrary.

D. S. VINSON.

Sworn to and subscribed before me this 7th day of May, A. D. 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of Andrew Cunningham.

ANDREW CUNNINGHAM, sworn for contestant, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the second of November last, the day of the general election.

—Answer. Andrew Cunningham; Carroll Parish; planter; was at poll No. 1.

Q. Please state where the election was held at poll No. 1, and how the voters deposited their ballots.—A. The election was held in a cabin on Captain Rhodes' place. The votes were received by the commissioners at a window, about 6 or 7 feet from the ground. Some of the votes were handed up on sticks, and others voted by being lifted up by other persons, and some by reaching it up with their hands.

Q. Do you think that the ballot-boxes were in full view of the voters on the outside, and could they see their ballots deposited in the box, or could they themselves have deposited them therein?—A. The ballot-box I do not think was in full view of the voters; nor could the voters see their ballots deposited, or reach the ballot-box themselves.

Q. Are you acquainted with Cæsar Johnson, who swore, in the case of Burton et al., *vs.* Hicks et al. that David Jackson, commissioner at poll No. 1, returned money with registration-papers, &c.? And if so, please state his character for truth and honesty.—A. I know him. In the community where he lives he is regarded as a truthful and reliable man.

Q. Do you think that the commissioners of election at poll No. 1, sitting where they were, could see the voter when he handed up his vote so as to know who he was?—A. I know where the commissioners were sitting, and I do not think they could see so as to know the persons handing up ballots.

Cross-examined by contestee:

Q. How do you class yourself politically?—A. I take no part in politics, but suppose I would be ranked as a democrat.

Q. How long did you remain at poll No. 1 on the day of the election?—A. I suppose I was there about three hours.

Q. Was or not the election quiet, peaceable, and fair while you were present?—A. I heard no fussing, but there was considerable rushing and confusion around the window, caused, as I suppose, by their anxiety to vote early.

Q. Did you hear any complaint made of the manner of voting at that poll, or did it seem to be done as it were by general consent?—A. Yes; I heard complaint. When I managed to get inside of the house, and offered my ballot there, it was objected to by David Jackson, one of the commissioners, who was standing at the window receiving the ballots and taking them off of the stick. He said he had ordered several times that no more persons should be admitted inside of the house. I offered my ballot, and stated that I was anxious to vote and get away, and that if I was not allowed to vote then I would have to leave without voting, and I threw my ballot down on the table; the commissioners looked at each other without saying anything, and Captain Rhodes, one of the commissioners, took up the ballot and put it in the box. David Jackson then remarked that that was the last vote that should be polled inside of the house, and the other commissioners said nothing. I heard of no other complaint, but left the poll immediately.

Q. Did you see any greenbacks handed out by any commissioner, or do you know anybody who ever said they saw any greenbacks handed out at the poll, except Cæsar Johnson?—A. I saw no greenbacks handed out. I heard a colored man, whose name I do not know, but who lives on Transylvania plantation, say that he himself called Cæsar Johnson's attention to the fact that greenbacks were being handed out to voters by David Jackson with the registration-papers, and that he proposed to Cæsar Johnson that they should turn and vote that way, and get some of the greenbacks.

Q. Do you know Dr. D. S. Vinson, who testified in this case this morning, and do you know T. B. Rhodes and E. M. Spann, who were commissioners of election on that day? And, if so, state what reputation they bear in the community for honesty and integrity.—A. I am acquainted with Dr. Vinson and T. B. Rhodes, and their reputation for honesty and integrity is good, so far as I know or have ever heard.

Q. Do you know C. E. Moss, jr., parish judge of this parish; and, if so, what is your opinion of his honesty and integrity?—A. I am acquainted with him; I know nothing wrong of him, so far as I know. I have had no particular dealings with Judge Moss, but think well of him.

Re-examined:

Q. Is not Judge Moss a strong republican and regarded as an active party man?—A. I have always understood that he was a republican, but don't know how active, as I know very little about him.

A. CUNNINGHAM.

Sworn to and subscribed before me this 7th day of May, A. D. 1875.

S. DUNCAN GLENN,

Notary Public.

Testimony of Noah Lane.

NOAH LANE, sworn for contestant, testifies as follows:

Question. State your name, residence, and occupation, and where you were on 2d of November last, the day of the general election.—Answer. My name is Noah Lane; Transylvania plantation, Carroll Parish; and was at poll No. 1 on the election-day.

Q. Did you vote and see others voting at said poll; and, if so, where and how did they vote?—A. I voted there and saw others vote. The door to the house was closed against us, and we voted at a window which was so high that I had to lift another man up to vote.

Q. Did you see David Jackson, or other person, at said poll hand money out of the window to persons on the outside? State what you saw.—A. I did see David Jackson hand money to voters outside of the window; saw him do it several times. When I saw him doing it I said, "O, by God, look at the greenbacks; let's wait and see if we can't get some of them." Cæsar Johnson then said, "No; perhaps they are running an independent ticket."

Cross-examined by contestee:

Q. Can you read or write?—A. No, I cannot; I am only a laborer.

Q. Did you get any of the greenbacks or money that was handed out?—A. I did not.

Q. Did your friend, Cæsar Johnson, get any?—A. No, sir.

Q. Why didn't you get some?—A. Because I was not voting the same ticket.

Q. Do you mean the independent ticket?—A. I mean I did not vote the independent ticket; I voted the Gla republican ticket.

Q. Where was David Jackson standing?—A. In the house, near the window, where the voting was going on.

Q. Was he taking the ballots from the voters as they were handed in?—A. Yes, sir; he was.

Q. Did he take Cæsar Johnson's ticket when you raised him up to the window?—A. He did; saw him take it.

Q. Could you see him plainly?—A. Yes, sir; he came to the window and I could see him plainly from his waist up, and he could see me.

Q. What time of day was it when you went to the polls?—A. I went to the polls about 12 o'clock and staid until night.

Q. Were you near where the voting was going on while you were there?—A. Yes; I was out in front of the window most of the time.

Q. Did you see any voting on sticks?—A. I did not see or notice any.

Q. From where you stood, would you not have been likely to have seen the voting on sticks, if there had been any?—A. Probably if I

had been noticing I would, but I did not notice, and there was such a crowd standing around the window.

Q. How far were you standing from the window?—A. Probably 10 or 20 yards, as near as I can come at it.

Q. Then all the voters that you noticed voted with their hands, did they?—A. Yes, sir.

Q. Who took their tickets?—A. David Jackson took their tickets in.

Q. Did Cæsar Johnson go to the polls with you?—A. He started when I did, but did not get there as soon as I did. I was there when he came up. He and I went home together.

Q. How many people do you think voted while you were there?—A. I can't tell; there were a good many of them; they kept voting until night.

Q. Do you think there were five hundred voted while you were there?—A. That would be hard for me to say, because I do not know that there were five hundred there in all or not.

Q. Give the names of all those whom you saw get greenbacks.—A. I did not know the men; they were strangers to me. I did not know any of the men on the ground, except Cæsar Johnson.

Q. How much money did each of the men receive?—A. I could not tell, but there were sometimes three or four bills.

Q. Was there never more than three or four bills?—A. I never saw any more than three or four bills, as the men would take them and put them up so quick.

Q. How many men were there that you can swear you saw get greenbacks?—A. I saw about ten, as near as I can come at it.

Q. Now, how many of those men got as many as three bills?—A. I couldn't tell. Some of them came out in registration paper. I saw two of them that had that money, and one of the bills was large enough for a dollar or five-dollar bill.

Q. Now, don't you know that it was Mr. Mayer that handed out all the registration papers?—A. No, sir; I don't know that; I know that he didn't hand me mine.

Q. How many kinds of tickets were voted there that day?—A. I saw but two kinds. I cannot read. There was a white ticket, U. S. Grant; that is, with Grant's picture on it, and I voted that kind. The other was a kind of bluish curtain-colored ticket on the back side.

Re-examined by contestant:

Q. What do you mean by the independent ticket?—A. I mean the Benham republican ticket.

his
NOAH + LANE.
mark.

Sworn to and subscribed before me this 7th day of May, A. D. 1875.

S. DUNCAN GLENN,

Notary Public.

Testimony of Cæsar Johnson.

CÆSAR JOHNSON, sworn for contestant, testifies as follows:

Question. State your name, residence, and occupation, and where you were on the 2d of November last, the day of the general election.—Answer. My name is Cæsar Johnson; I live in Carroll Parish; am a farmer, leasing land from Mr. Tilford; was at poll No. 1.

Q. State where and how the voters voted at said poll while you were there, and how it was managed.—A. I voted at the window, and all others who voted with me at same time did the same. I voted by the assistance of Noah Lane, who caught me under my arm and assisted me up so I could reach the window. I don't think a man standing on the ground near the window could see the ballot-box. I could not, I know.

Q. Did you or not see money passed out of the window to the voters with their registration papers; and, if so, who did it?—A. I saw money passed out with registration papers by David Jackson; I saw him do it several times.

Q. Did anybody speak to you about it at the time it was being done, and what did he say?—A. Yes, sir; Noah Lane spoke to me about it at the time, and said, "O, Johnson, look at the greenbacks; let's turn." I said, "O, no." He said, "Why?" and I said, "May be they are running an independent ticket." I voted the Gla republican ticket, on white paper.

Cross-examined by contestee:

Q. Did you hear one man cry out, "O, Jackson, greenbacks;" and who was that man?—A. I did hear a man so cry out, but do not know the man.

Q. What kind of a looking man was he?—A. He was a black man, but I did not notice his features.

Q. Was he a tall man?—A. He was about the common height.

Q. Was he an old man?—A. No, sir.

Q. Did you notice particularly his age?—A. He looked quite young to me.

Q. Was he a fat man?—A. No, sir; he didn't look very fat.

Q. Was he a well-dressed man?—A. He looked to me to be poorly dressed.

Q. How far were you from him when he cried out, "O, Jackson, greenbacks?"—A. About 10 feet.

Q. Did he cry it out more than once?—A. No, sir.

Q. Can you read?—A. A little; coarse reading.

Q. Or write?—A. I can scratch a little.

Q. Are you a short man?—A. I am about 5 feet 2½ inches.

Q. When Lane helped you to put up your ballot, did he lift you off the ground, or did he stretch you up by assisting you by one arm?—A. He assisted me by lifting one arm, I at same time helping myself up against the side of the house.

Q. Was there a pretty large crowd present when you got to the polls?—A. Yes, sir; a pretty large crowd.

Q. Did they all vote before you came away?—A. No, sir; I left them voting.

Q. How many do you think voted while you were there?—A. There was a pretty large crowd, but I cannot tell how many voted while I was there.

CÆSAR JOHNSON.

Sworn to and subscribed before me this 7th day of May, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of W. A. Blount, (recalled.)

W. A. BLOUNT recalled by contestant :

Question. Were you or not in error in your estimate of the number of white republicans in Carroll Parish ? If so, please state the facts.—Answer. I was mistaken, as I spoke hastily and without time for counting and reflection. To the best of my knowledge and belief, there are not over forty white republicans in Carroll Parish.

Cross-examined by contestee :

Q. Is there not a larger number than forty of white men in the parish who have generally supported Morey for Congress ?—A. I cannot say.
W. A. BLOUNT.

Sworn to and subscribed before me this 7th day of May, A. D. 1875.
S. DUNCAN GLENN,
Notary Public.

Testimony of J. C. Purdy.

J. C. PURDY, sworn for contestant, testifies as follows :

Question. State your name, residence, and occupation.—Answer. Jacob C. Purdy ; reside in Providence, Carroll Parish, and am a merchant.

Q. Are you acquainted with Cæsar Johnson ; and if so, how long have you known him, and what is his character and reputation for truth and honesty ?—A. Yes ; I know him well, and have known him well for seven years. I consider him as honest a man as there is in the parish, and a truthful man.

J. C. PURDY.

Sworn to and subscribed before me this 7th day of May, A. D. 1875.
S. DUNCAN GLENN,
Notary Public.

Testimony of J. E. Burton, (recalled.)

J. E. BURTON, recalled by contestant :

Question. How many professed white republicans are there in the parish of Carroll to the best of your knowledge and belief ?—Answer. According to my knowledge and belief, there are between twenty-five and thirty. I have been actively concerned in politics in this parish, and was a candidate on the Gl'a republican ticket at last election.

Q. Do you know W. W. Benham, B. H. Lanier, W. B. Dickey, and C. E. Moss ; and, if so, what has been their politics and occupations since they have been in Carroll Parish ?—A. I know them all. They are all office-seekers, and have, all of them, held office since I came here. I think Mr. Lanier acted as a book-keeper for a short time. Dickey, Moss, and Benham always claimed to be republicans ; Lanier—it is hard to tell what he is ; sometimes he claims to be a republican, and sometimes a democrat.

Q. What offices has Mr. Lanier filled in this parish, and have not the republicans had control of said offices ?—A. Public administrator, deputy recorder, deputy tax-collector, and is now tax-collector.

Q. What offices has W. W. Benham filled, and how many at any one time?—A. He was deputy sheriff, deputy tax-collector, parish treasurer, and member of the school-board, all at one time, and fought like the devil to be appointed treasurer of the school-board.

Q. Through whose influence has he been able to hold all these offices?—A. Through the influence of his brother, Geo. C. Benham, as I believe.

Q. Is not Mr. R. M. Lackey a republican?—A. Yes, sir.

Cross-examined by contestee :

Q. What is your occupation?—A. Keeper of a drinking-saloon.

Q. Did you not once support Mr. B. H. Lanier for office?—A. I did.

Q. At the last election were not Messrs. Moss, Lanier, and W. W. Benham members of the opposite faction of the republican party to that to which you belonged?—A. They were.

Q. Was there a good deal of feeling between the two factions?—A. There was considerable feeling between the leaders of the factions.

Q. Did not each faction accuse the other of being bolters and disturbers of the party organization?—A. My side was the regular organization; the others were bolters.

Q. The returning-board, did it not declare that your opponents carried the parish?—A. It did.

Q. When did you come to Carroll Parish?—A. On the 14th of November, 1869.

Q. Were you not a candidate for office in 1872, and for what office?—A. I was a candidate for member of the house in 1872.

Q. Did you get your seat?—A. No.

Q. Did you get your seat in 1875?—A. I did not.

Q. Did the candidates of the opposite faction get their seats?—A. They did.

Q. Are you a colored man?—A. I have colored blood in me.

Q. Are Messrs. Moss, W. W. Benham, Dickey, and Lanier white?—A. I don't know; they are so classed.

Q. Did you or not recommend the removal of R. M. Lackey as supervisor of registration of this parish on account of unfitness?—A. I recommended his removal because I thought he was controlled by George C. Benham.

J. E. BURTON.

Sworn to and subscribed before me this 7th day of May, 1875.

S. DUNCAN GLENN,
Notary Public.

Testimony of Thomas F. Montgomery.

THOMAS F. MONTGOMERY, recalled and sworn for contestant, testifies as follows:

Question. In your testimony, heretofore given in this case, you state that you did not sign or swear to any of the returns and tally-sheets at poll No. 2, but that you only signed the list of persons who voted at said poll. W. W. Benham, in his testimony in this case, testifies that you did sign and swear to, with himself and S. L. Murray, the returns of said poll, as well as the list of persons voting. Is said Benham's statement true?—Answer. His statement is not true. The only paper that I signed, except my oath as commissioner, was the list of persons who voted at said poll.

Cross-examined by contestee :

Q. Are you acquainted with the members of the grand jury which served at the last term of the district court in the parish, in December last? And if so, state how many were white, how many were colored, how many were democrats, and how many were republicans so far as you know.—A. I was not a member of the grand jury myself but I was in the court-house when the grand jury was drawn. I was acquainted with the foreman, Mr. Rhotin, Mr. Shelby, Mr. William Page, Paul Le Fevre. These were all white men, and the three first I believe, were democrats. The fourth, I don't know his politics. As the balance of the sixteen grand jurors were colored men, and I suppose republicans. I don't recollect their names.

Question. Is or not Mr. Rhoten, who is the foreman of said grand jury, a large planter, and a leading and respected citizen of the parish—Answer. He is a good citizen and a large planter.

Re-examined by contestant :

Question. What is your occupation?—Answer. My profession is that of civil engineer, and am now a planter.

TOM F. MONTGOMERY.

Sworn to and subscribed before me this 8th day of May, 1875.

S. DUNCAN GLENN,
Notary Public.

X.—*Agreement as to votes cast in Lincoln Parish.*

W. B. SPENCER }
rs.
F. MOREY. }

The following supplemental agreement is made, to wit:

1st. It is agreed that Wm. B. Spencer's majority over Frank Morey for Congress, in the parish of Lincoln, was between three hundred and seventy-four and three hundred and ninety-one votes. The exact figure is given by the returns of the parish supervisor and commissioner of election for said parish, to which reference is here made. It is therefore agreed to dispense with any proof under the third clause of Spencer's notice of contest.

2d. Spencer, contestant, withdraws and annuls his fifth charge made in his notice aforesaid, and agrees that the same be held as of no effect, and Morey, contestee, also withdraws in same manner the charge in the third clause of his answer.

3d. We now close the evidence in this case with the testimony taken in Carroll, and will take no further evidence except it be so ordered by the House of Representatives.

WM. B. SPENCER.
FRANK MOREY.

PROVIDENCE, LA., May 8, 1875.

XX.—Agreement as to notary's capacity, and admission of opinion of Supreme Court.

WILLIAM B. SPENCER }
 vs. }
 FRANK MOREY. }

In this case it is agreed :

1st. That the evidence in Carroll Parish has been taken by our mutual consent, by and before S. Duncan Glenn, notary public, and we dispense with proof of his authority.

2d. That a duly-certified copy of the mandate and decree of the supreme court of Louisiana in the case of "Nicholas Burton et als. vs. Charles Hicks et als." may be filed in this case at any time, if rendered. And that in making up the transcript of said suit of Burton vs. Hicks, copies of citations and subpoenas need not be made, and only one copy of each of two kinds of exceptions.

3d. That the laws and public acts of the United States Government, and of the State government of Louisiana, now or heretofore recognized by the Federal Government, may be read and used in this case in the same manner as though formally offered in evidence, previous notice of such State acts as either party may intend to read being given the opposite party at least ten days before he is called upon to reply, provided this is not inconsistent with the rules of the House and committee.

This 8th May, 1875.

WILLIAM B. SPENCER.
 FRANK MOREY.

STATE OF LOUISIANA,
Parish of Carroll :

Be it known and remembered that, at the request of Wm. B. Spencer and Frank Morey, contestant and contestee, in the case of Wm. B. Spencer vs. Frank Morey, for seat in the Forty-fourth Congress, as Representative of the fifth district of Louisiana, I, S. Duncan Glenn, notary public in and for said parish, did cause to come before me the witnesses whose depositions are hereto prefixed and paged from 1 to 136; and that the documents referred to in said testimony and evidence, and offered in evidence, are hereto annexed, as well as the agreements of said parties, marked "X" and "XX." That this testimony and evidence was all taken in presence of the said parties and their counsel.

Witness my hand and seal at Providence, Carroll Parish, La., on this eighth day of May, A. D. 1875.

[SEAL.]

S. DUNCAN GLENN,
Notary Public.

APPENDIX TO TESTIMONY TAKEN IN NEW ORLEANS.

EXHIBIT A.—*Reply of Governor Wells, president of returning-board, to protest of Arroyo, member of board, and official returns of election in fifth congressional district and seventeenth State senatorial district.*

[From the New Orleans Republican, December 25, 1874.]

The Hon. Oscar Arroyo protests against throwing out the polls Nos. 5 and 6 of the parish of Natchitoches, on the grounds:

1. That intimidation of republican voters at those polls was only proved by cross-marked affidavits and defeated candidates, uncorroborated by citizens of the parish.

The testimony of James Brown, George T. Bayden, W. T. Green, Robert Clark, and Eli Williams, who make their mark, and Allen Hall, who signed his name, we believe, all colored men, proves the organization of the White League party in this parish as early as May, 1874, composed of white democrats, having for its object the intimidation of republicans of both colors, with a view to prevent them from registering and voting, and the expulsion of the legally elected and appointed parish officers, and the seizure of the muniments of the officers by force; that the method of intimidation of colored men was to threaten them if they voted the republican ticket they should be expelled from the farms and rented land, and deprived of rations, &c.; that, about June, 1874, leading colored republicans in this parish, such as Blount, Raby, Vannier, and others, were threatened with death if they attempted to organize the republican party in this parish; that, on the 27th of July, 1874, the leaguers, to the number of several hundred, armed, appeared in the town of Natchitoches and compelled Boulton, tax-collector; Boulton, jr., parish judge; Meyers, district judge, and other officials, to resign; and from this period said White League organization dominated over this parish in utter defiance of the law.

That during the time of registration members of said organization, with force, obstructed registration in said parish, in ward No. 5, to the number of 45, and in ward six to the number of 30 legal votes.

That at the election said organization held possession of the polling-places five and six; that at poll No. 5, 107, and at poll No. 6, 221 voters, who attended with a view of voting the republican ticket, were prevented from doing so by intimidation.

That the list of voters at poll five was made out the day after the election at Natchitoches, twenty-five miles from the polls.

That James Brown and George T. Boyden are residents of ward five, and W. T. Green, Robert Clarke, Allen Hall, and Eli Williams are residents of ward No. 6, and that each was prevented from registering by said acts of said White League organization.

The above affidavits are supported by other evidence, and we cannot be ignorant of the history of the action of the White League in this parish, made known through the Vindicator, a democratic paper, and other public sources, for the last several month; besides, the contradictory evidence is not of a character sufficiently convincing to shake our belief in the facts above related.

Mr. Arroyo's chief objection is to cross-mark affidavits. When the affidavits bear the certificate of a United States commissioner that they were signed and sworn to before him, it leaves no ground for suspicion that they are forgeries, nor that the parties did not know their contents; and we do not see what better witnesses could be produced to the fact of intimidation than the parties who were intimidated.

The chief difficulty with the majority of the board was whether or not to turn out the whole vote of this parish, or only those two polls; but as only the two polls were specially designated, and the number of persons intimidated, it was thought best only to exclude them.

Mr. Arroyo's second objection is, that, because 2,964 votes were cast in this parish, and that of that number the democratic party had 58 majority, that it showed that there was no intimidation in this parish, so as to prevent the voters from expressing their choice.

The registration in this parish shows 1,387 white and 2,285 colored voters. Now it is an admitted and undeniable fact that the colored voters, when uninfluenced by intimidation, are almost unanimous in support of the republican party. Now, if in this case they had been left free to vote, who can doubt but that most of them would have voted and given their support to the republican candidates, and that the republican majority in this parish would have been in proportion to the registry between the white and colored. So we take it that this position of Mr. Arroyo only strengthens our position that intimidation controlled the election in this parish.

J. MADISON WELLS,
President.

The following statement of the action of the board was submitted at the conclusion of its labors:

In closing the labor of canvassing and compiling the vote of the State given at the election on the 2d of November last, it is but just and proper that the returning-officers should give a statement of the difficulties attendant on their labors, and the principles laid down, drawn from the law, to direct them in the discharge of their duties.

In the first place, this election was very loosely conducted by the commissioners of election, so much so that at not one-tenth of the polls in the State were the forms required by law observed.

The law requires the supervisors of registration to forward to the returning-officers, first, the list of votes kept by the commissioners of election; second, the statement of the persons voted for and the number of votes received by each; and, third, the tally-sheets; all of which the commissioners of election are required to furnish the supervisors, and they to forward to the returning-officers.

In many cases no lists of voters were kept by the commissioners, or, if there were, they were not forwarded to the returning-board by the supervisors, and many that were forwarded to the returning-board were not signed or sworn to as the law requires. In many cases there was no statement of the persons voted for and the number of votes received by them forwarded to the returning-board, for the reason that none were furnished by the commissioners of election to the supervisors, and many that were returned were neither signed nor sworn to, and in many cases there were no tally-sheets forwarded to the returning-board to enable them to test the accuracy of the statement of votes, and in some instances only the tally-sheets were returned to the returning-board without the list of voters or the statement of votes, and they not signed or sworn to as the law requires. This being the case, it became necessary that the papers received from the polling-places should be carefully examined. There were over six hundred and fifty polling-places in the State, and there was a long list of candidates. So it became a very laborious duty, which occupied the board nearly a month, laboring from 11 a. m. to 4 p. m., and from 7 to 11 p. m. every day.

The law requires "That in such canvass and compilation the returning-officers shall observe the following order: They shall compile, first, the statements from all polls or voting-places at which there shall have been a fair, free, and peaceable registration and election. Whenever from any poll or voting-place there has been any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, which prevented or tended to prevent a fair, free, and peaceable vote of all qualified electors entitled to vote at such poll or voting-place, such returning-officers shall not canvass, count, or compile the statement of votes from such poll or voting-place until the statements from all other polls or voting-places shall have been canvassed and compiled. The returning-officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll and voting-place."

The board has followed this requirement of the law, as it was their imperative duty to do, and in examining the proceedings of the commissioners of election forwarded to it by the supervisors, when either of the counsel appointed by the political parties objected to the count of any poll, and laid before the board any evidence to sustain such objections, such polls were passed over and not canvassed until the board had compiled the vote from all polls not objected to.

In the progress of the examination a large number of polls were objected to, including some in twenty-seven of the parishes, and all in some. The grounds of objection to some of the polls were the failure of a substantial compliance with the law in conducting the election and making returns to the supervisors; to some that the returns of the commissioners had been changed after they had been made to the supervisors; and to the far greater number, that the voters had been intimidated, so that they did not register or vote, or were compelled to vote differently from what they desired.

Had the board decided that anything like a strict compliance with the forms of law in holding the election and making the returns to the supervisor would be required, the effect would have been that so many of the polls would have been thrown out that there would have been no election in the State. The board then adopted the rule that when the supervisor had returned any evidence showing an election was held, although it be only a tally-sheet, unsigned or sworn to, that, in the absence of any evidence of fraud or intimidation, it would compile the vote as shown by such evidence or document, if it may be called evidence. This decision disposed of a good many protests to the reception of polls; but when the substantial forms of law had not been observed; and evidence of fraud or intimidation was produced, the failure of the substantial compliance with the forms of law was considered a badge of fraud, and the poll was rejected. We believe this to be a just and reasonable rule, and the board strictly adhered to it.

In the cases of Carroll, St. Helena, and St. James Parishes, where it was charged and proved the returns made by the commissioners to the supervisors had been changed after they came into the hands of the supervisors, the board took evidence to ascertain the true state of the vote, and made the compilation accordingly.

The question raised against the greater number of polls was the charge of intimidation to prevent voters from voting, and forcing them to vote against their wishes. To establish this charge a great mass of affidavits was taken—some applicable to whole parishes and some to particular polls, and a mass of counter affidavits was also filed.

The general facts proved on this point establish that, about May, 1874, a military organization known as the White League was established in this State, which extended to every parish of the State, and permeated every neighborhood; that the object of this organization was to prevent colored men from voting, unless they could be controlled to vote the democratic ticket, and to prevent them from holding office; and, further, to compel the republicans holding office under the present State government to abdicate their offices, and to prevent the republican party in this State from organizing, with a view of concentrating their party at the late election, and to expel the white republicans from the State unless they would desist from organizing the republican party in this State and withdraw from the active support of that party.

The means taken by this White League organization to accomplish the above purposes are shown to have been by threats that if the colored voters did not vote the democratic ticket they should be expelled from the plantations on which they were farming; be deprived of their crops; be excluded from the renting of lands hereafter, or of being employed, and deprived of rations or credit to obtain them; and the leading colored men were threatened with death if they persisted in organizing the republican party, and white republicans were threatened with personal violence, proscription in business and socially of themselves and families, and with hanging, if they persisted in organizing the party with a view to the late election.

This organization, in armed bands, in many parishes in the State carried their threats of personal violence into effect by killing some republicans, whipping and ill-treating others, and compelled the parish officers holding office under the present State government to abdicate their offices. This was particularly the case in all the Red River parishes, most of the Teche parishes, and in the parishes between the Red and Ouachita rivers.

All the above acts resorted to by this White League organization to carry out their purpose were clear violations of both the State and United States laws, and would subject the perpetrators of those acts to imprisonment in the penitentiary, so odious are they to the sense of the people of the country.

The evidence of such acts of intimidation, which prevented a fair, free, and peaceable election in the parishes of St. Martin and Grant, was so general and overwhelming that the board felt compelled to throw out every box in these parishes, and in many other parishes where there was satisfactory proof that intimidation had been used at designated polls, so as to prevent a fair, free, and peaceable election at such polls, they were excluded from the compilation, as the law requires.

When the friends of a political party, such as the White League organization is toward the democratic party, shall so clearly and generally violate the laws of the country to control an election in their interests, it is but just and proper that when they are shown to have brought such acts to bear on an election, they should not be permitted to profit by it, and such is the intention of the law. The board, however, in this case did not exclude any poll from the compilation except on satisfactory proof that such violation of law had been perpetrated, and that it had the effect of intimidating a sufficient number of voters to change the result of the election.

As all these acts to produce intimidation had been perpetrated in favor of the democratic party, and against the republican party, the polls excluded from the compilation generally gave majorities in favor of the democratic party, and their exclusion from the compilation reduced the vote of that party, and, in some instances, had the effect of returning representatives and other officers of the opposite party different from the returns made by the supervisors. This is the natural result of an illegal attempt to accomplish an object, and is no fault of the board.

The counsel of the democratic party protested against the counting of certain polls in the parishes of Natchitoches and Bossier, on the grounds that the United States troops were expected at the polls on the day of election, or did actually visit the polls on the day of election, in order to assist the United States marshal to arrest persons charged with violations of the United States laws, and that in consequence a great number of democrats did not attend the polls and vote, for fear of arrest by the United States troops. Even if such facts had been fully proved as alleged, we do not see that there was any violation of law in the United States troops doing so. Certainly a person charged with a crime against the United States law cannot say he is intimidated by the fact that the marshal with the United States troops is trying to arrest him; it is his own fault if he is guilty, and he cannot urge his own crime as his protection, and certainly persons not conscious of their guilt would not flee from the presence of the United States marshal and his posse of United States soldiers. This is preposterous, and we did not consider this a good ground of intimidation.

There were no returns of election from the parish of DeSoto made by the supervisor of registration as the law required. Persons interested produced the clerk of the court with such papers as by law were intrusted to him, and offered them as the returns from the parish. The board decided they could not receive and canvass and compile such returns. The parties in interest applied to the proper court for a mandamus to compel the board to receive, canvass, and compile those returns, but upon trial the court sustained the ruling of the board. The same principle was acted on in the Terrebonne case.

There was no supervisor in the parish of Winn, the one appointed for that parish having been expelled from the parish, and an unauthorized person assumed to act. The board could not recognize such lawlessness.

The board submits to the legislature and the people of this State the result of their investigation with a consciousness that they have properly discharged their trust.

J. MADISON WELLS,
President.

NEW ORLEANS, December 24, 1874.

OFFICIAL.

Compiled returns of an election held in the fifth congressional district, State of Louisiana, under a writ of election dated September 10, 1874, on the second day of November, A. D. 1874, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning-officers and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives, and to enforce article one hundred and three of the constitution, approved November 20, A. D. 1872, to wit:

FIFTH CONGRESSIONAL DISTRICT.

Parishes.	Frank Morey.	W. B. Spencer.
Concordia.....	1,601	489
Franklin.....	80	485
Tensas.....	1,097	1,851
Madison.....	1,319	759
Richland.....	441	734
Ouachita.....	1,702	759
Jackson.....	94	534
Lincoln.....	514	590
Union.....	439	1,155
Morehouse.....	1,005	668
Claiborne.....	663	1,375
Catahoula.....	742	838
Carroll.....	2,181	261
Caldwell.....	401	540
Total.....	12,279	11,038

We, the undersigned returning-officers, pursuant to authority vested in us by act No. 98, approved November 20, 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for members of Congress held on the second day of November, A. D. 1874, under a writ of election promulgated September 10, A. D. 1874, ordering same; and we hereby declare that the following named person was duly and lawfully elected, to wit:

For member of Congress, fifth congressional district, Frank Morey.

J. MADISON WELLS.
THOMAS C. ANDERSON.
G. CASANAVE.
LOUIS M. KENNER.

OFFICIAL.

Compiled returns of an election held in the seventeenth senatorial district, State of Louisiana, under a writ of election dated September 10, 1874, on the second day of November, A. D. 1874, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning-officers and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives, and to enforce article one hundred and three of the constitution, approved November 20, A. D. 1872, to wit:

SEVENTEENTH SENATORIAL DISTRICT.

Parishes.	J. A. Gla.	George C. Benham.	J. H. Brigham.
Madison	1,810	158	3
Morehouse	702	273	704
Richland	47	447	679
Carroll	827	1,338	93
Total	3,386	2,216	1,479

We, the undersigned returning-officers, pursuant to authority vested in us by act No. 93, approved November 20, 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for senators, held on the 2d day of November, A. D. 1874, under a writ of election promulgated September 10, A. D. 1874, ordering same, and we hereby declare that the following-named person was duly and lawfully elected senator of the State of Louisiana, to wit:

Seventeenth senatorial district, J. A. Gla.

J. MADISON WELLS.
THOMAS C. ANDERSON.
LOUIS M. KENNER.
G. CASANAVE.
OSCAR ARROYO.

EXHIBIT B.—Affidavits of W. A. Blount, R. M. Bagley, T. S. Barton, T. F. Montgomery, and W. B. Dickey.

STATE OF LOUISIANA,
Parish of Orleans :

W. A. Blount, being duly sworn before me, the undersigned authority, deposes and says: That he is a citizen of Carroll Parish, and was such at the election 2d Nov., 1874, performing the duties of U. S. supervisor of registration & election in said parish at said election ; that on said election-day he devoted his official duties principally at poll No. 2, in said parish ; whilst there he was officially advised that one Geo. C. Benham, a candidate for State senator, was stopping voters and examining their tickets, & when not satisfactory to said Benham he tore the same up, forcing, as affiant believes, the said voter to vote the ticket said Benham placed in their hand as a substitute for the one so torn up. Affiant was prevented from taking steps to prevent this wrong by being unable to leave the polling-place, where his presence was constantly required. Affiant is personally acquainted with Thos. F. Montgomery, and knows others acquainted with him, & that he is a man of good standing in the community where he lives. Affiant further swears that the statement of the vote of said parish, submitted by him, is the true return as between Gla and Benham, and other candidates, and that the State supervisor for Carroll Parish has made a false & fraudulent return for said parish.

And further deponent saith not.

W. A. BLOUNT.

Sworn to & subscribed before me this 28th Novr., 1874.
[SEAL.]

CHAS. A. BAQUIE,
Clerk Third Dist. Court, Parish of Orleans.

STATE OF LOUISIANA,
Parish of Orleans :

R. M. Bagley, being sworn before the undersigned authority, declares that he is a citizen of Carroll Parish, and was a commissioner, and present as such at poll No. 3, in said parish, at the election on 2d Nov'r, 1874, and that he compiled the returns of the vote of said poll, and signed the same ; that, on Nov'r 28th, 1874, he was present before

the returning-board, and personally examined the said return presented thereat from said poll by the State supervisor of registration, which affiant pronounced to be fraudulent in all and every particular, & the signature of affiant thereto is a forgery. Affiant further swears that the only official tally-sheet of said poll was made with red ink & signed by affiant in black ink, and the tally-sheet exhibited of said poll before said board was and is written in black ink, and therefore not the original tally-sheet but fraudulent.

Further affiant saith not.

R. M. BAGLEY.

Sworn to & subscribed before me this 28th day of Nov'r, 1874.

CHAS. A. BAQUIE.

Clk. Third Dist. Court, Parish of Orleans.

STATE OF LOUISIANA,
Parish of Orleans :

T. S. Barton, of said State and parish, being duly sworn before me, the undersigned authority, deposes and says: That, on Tuesday night, Novr. 10th, 1874, at the house of Mrs Peterit, on Jackson street, New Orleans, I saw Geo. C. Benham, in a room of her house, with what appeared to be tally-sheets of elections spread on a table, with pen in hand and ink-stand on the table, apparently working at said sheets. There was with him another person, to affiant unknown. When I entered the room both doors were closed. Further deponent saith not.

T. S. BARTON.

Sworn to & subscribed before me this 30th Novr., 1874.

WM. H. HOLMES,

Second Justice of Peace, Parish of Orleans.

STATE OF LOUISIANA,
Parish of Carroll :

Before me, the undersigned authority, presently came and appeared, Thos. F. Montgomery, a resident of the said parish, who, being duly sworn, declared and said: That he was appointed commissioner of election for the 2d ward in said parish, by the police-jury; that, on the 2d day of Novr., 1874, he acted in said capacity during the polling of the votes and until the votes were counted on the evening of the 3d, when the vote stood for Geo. C. Benham for the senate, 427; for J. A. Gla, for the senate, 282. He did not sign the said tally-sheets that evening, and declined doing so afterwards during the week, because he had reason to believe that the said tally-sheets had been improperly tampered with; that he makes this affidavit in the interest of truth and justice and in full conviction of its truthfulness; that the tally-sheets of the Second ward have not been signed by me since the count was made nor at any other time.

TOM F. MONTGOMERY.

Sworn to & subscribed before me on this the 23d day of Novr., 1874.

RAYMOND CARROLL,

J. P. 1st ward, 2d ward, Parish of Carroll.

STATE OF LOUISIANA,
Parish of Orleans :

Personally appeared before the undersigned authority, W. B. Dickey, resident of the parish of Carroll, State of Louisiana, who, being duly sworn according to law, deposes and says: That at the recent general election, held in said parish, on Nov'r 2d, 1874, for State officers and otherwise, he was present in the Second-ward polling-place at said parish, and assisted in the tallying of the votes cast thereat, and he avers that the actual count for the office of State senator therein showed a vote of 282 for J. A. Gla therefor. And further deponent sayeth not.

W. B. DICKEY.

Sworn & subscribed to before me on Nov'r 27th, A. D. 1874.

WM. H. SEYMOUR,

Notary Public.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, April 8, 1875.

I hereby certify that the foregoing is a true and correct copy of the original affidavits on file in this office.

Given under my hand and the seal of the State this 8th day of April, A. D. 1875, and of the Independence of the United States the ninety-ninth.

[SEAL.]

P. G. DESLONDE,

Secretary of State.

EXHIBIT C.—*Affidavits of F. F. Montgomery, N. Burton, and John Scott.*

Personally appeared before me, the undersigned authority, Field F. Montgomery, district attorney *pro tem.* in and for said parish and State, who, being duly sworn, says he saw, on the day of election. Monday, 2d day of November, A. D. 1874, George C. Benham, candidate for State senator, standing at the door of the hall through which voters had to pass to reach the rooms in which the election in precinct No. 2 was held, and he several times took from voters the ballots they had in their hands, tore them up, and gave them others; also states that on Monday or Tuesday last, the 16th or 17th of this month, he called upon David Jackson, clerk of the thirteenth district court, and asked his permission to examine the tally-sheets of the different polling-precincts of the parish, showing the number of votes received by the candidates for the State, congressional, and parish officers, and he refused. He stated that the tally-sheets and boxes containing the ballots were not in his office, but he had them locked up in a room where they were safe.

F. F. MONTGOMERY.

Nicholas Burton, sheriff of Carroll, being duly sworn before the undersigned authority, deposes that he was present at poll No. 1, in Carroll Parish, at the election, November 2, 1874; that the commissioner put the ballot-box at a window in a cabin on Rhode's plantation, called "Hislie plantation." Said window having bars therein, and being too high for the voters to reach with their arms, they were compelled to put their ballots on a stick and poke them up to said window, where they were taken off the stick by the commissioner, David Jackson, and deposited (if at all) in the box out of the view of the voter. In thus handing up the ballots the said Jackson, in presence of affiant, changed the ballot of the voter without the consent or knowledge of the voter. Cain Sartain, Benham's candidate for the legislature, to affiant's knowledge, handed up several tickets to the window, and on remonstrance being made, said he was handing them up for other persons. Affiant further swears that Cain Sartain produced at said poll what purported to be an extra of the True Republican, containing a statement that J. A. Gla had been withdrawn in favor of Benham, which paper purported to be signed by the publisher of said paper, C. E. Shearer, which statement was fraudulent and false in every particular, and caused J. A. Gla the loss of many votes. Affiant further declares that he is one of the petitioners of contest, as shown by copy of petition filed this day before the returning-board and pending in the district court of Carroll Parish, and that all the facts set forth in said petition are true in all and every particular.

Affiant further declared that he is a republican, a colored man, and sheriff of said parish, and supported the general republican ticket at said election, November 2, 1874; and believing in the necessity of reforming frauds and outrages as heretofore practiced in said parish, upon the rights of the suffrages thereof, he gives this testimony in the interest of justice and purity of elections. Further affiant saith not.

NICHOLAS BURTON.

Sworn to and subscribed before me this 27th of November, 1874, clerk third district court, parish of Orleans.

CHAS. BAQUIE.

Personally appeared before me, the undersigned authority, John Scott, who, being duly sworn, says he was at the voting precinct at ward No. 3 of said parish, at the election on the 2d day of November, 1874; that he saw Robert K. Anderson, commissioner of election, who received the ballots, open a number of the ballots as they were handed him and blotch and deface them with a pen he had in his hand.

JOHN W. SCOTT.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, April 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the original affidavits of the parish of Carroll on file in this office.

Given under my hand and the seal of the State, this 13th day of April, A. D. 1875, and of the Independence of the United States the ninety-ninth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

EXHIBIT D.—Statement of votes at poll No. 1, parish of Carroll.

Statement of votes cast at poll No. 1 of election-precinct No. 1, of the parish of Carroll, for members of Congress, State and parish officers, at the general election, held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet	State treasurer	647 (six hundred and forty-seven.)
J. C. Moncure .....	.....do	21 (twenty-one.)
Frank Morey	Congress, fifth district	645 (six hundred and forty-five.)
W. B. Spencer .....	.....do	23 (twenty-three.)
George C. Benham	State senator	638 (six hundred and thirty-eight.)
Jacques A. Gla. ....	.....do	27 (twenty-seven.)
J. Harvey Brigham .....	.....do	3 (three.)
Cain Sartain	Representative	468 (four hundred and sixty-eight.)
P. Jones Yorke .....	.....do	452 (four hundred and fifty-two.)
J. Edwards Burton .....	.....do	200 (two hundred.)
Henry Adkins .....	.....do	216 (two hundred and sixteen.)
M. Dubose	Parish judge	202 (two hundred and two.)
Charles E. Moss, jr. ....	.....do	464 (four hundred and sixty-four.)
Charles Hicks	Sheriff	467 (four hundred and sixty-seven.)
Nicholas Burton .....	.....do	201 (two hundred and one.)
Pompey Small	Coroner	468 (four hundred and sixty-eight.)
John H. Collins .....	.....do	191 (one hundred and ninety-one.)
Wilson Ferguson	Police-juror	466 (four hundred and sixty-six.)
Charles H. Nash .....	.....do	466 (four hundred and sixty-six.)
Merritt Michell .....	.....do	466 (four hundred and sixty-six.)
W. H. Stroube .....	.....do	467 (four hundred and sixty-seven.)
C. M. Counts .....	.....do	466 (four hundred and sixty-six.)
David King .....	.....do	201 (two hundred and one.)
C. Ed. Shearer .....	.....do	200 (two hundred.)
Jack Snelling .....	.....do	202 (two hundred and two.)
Henry Price .....	.....do	198 (one hundred and ninety-eight.)
John Holloway .....	.....do	202 (two hundred and two.)
Raymond Gilbert	Magistrate	481 (four hundred and eighty-one.)
Peter Bax .....	.....do	186 (one hundred and eighty-six.)
Calvin Scott .....	.....do	1 (one.)
Joe Jackson	Constable, 1st ward..	162 (four hundred and sixty-two.)
Matbew Page .....	.....do	191 (one hundred and ninety-one.)
Beck Prentier .....	.....do	2 (two.)
Proposed amendments to } constitution, section 1st. }	For approval	662 (six hundred and sixty-two.)
Do. 1st..	Against	6 (six.)
Do. 2d..	For	662 (six hundred and sixty-two.)
Do. do..	Against	6 (six.)
Do. 3d..	For	662 (six hundred and sixty-two.)
Do. do..	Against	6 (six.)
Do. 4th..	For	662 (six hundred and sixty-two.)
Do. do..	Against	6 (six.)
Do. 5th..	For	662 (six hundred and sixty-two.)
Do. do..	Against	6 (six.)
J. Harvey Brigham	Representative	1 (one.)

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
668 (six hundred and sixty-eight.)		

STATE OF LOUISIANA, Parish of Carroll :

Personally appeared before me, the undersigned authority, T. B. Rhodes, E. M. Spann, David Jackson, duly appointed and qualified commissioners of election of poll No. 1,

election-precinct of the parish of Carroll, for the general election held November 2, 1874, who, being duly sworn, deposes and says that they received the ballots at the said poll, on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll, on said day.

T. B. RHODES,
E. M. SPANN,
DAVID JACKSON,
Commissioners of Election, Poll No. —, Parish of —

Sworn and subscribed to before me this 4th day of November, A. D. 1874.
S. T. AUSTIN, JR.,
Justice of the Peace, Second Ward, Parish of Carroll, Louisiana

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 13, 1875

I hereby certify that the foregoing is a true and correct extract from the original document on file in this office.
[SEAL.]
N. DURAND,
Assistant Secretary of State

EXHIBIT E.—Statement of votes cast at poll No. 2, parish of Carroll.

Statement of votes cast at poll No. 2 of election-precinct No. — of the parish of Carroll for members of Congress, State and parish officers, at the general election November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes
Antoine Dubuclet.....	State treasurer	
J. C. Moncure.....	do	
Frank Morey	Congress, 5th district	
W. B. Spencer	do	
George C. Renham	State senator, 17th district	
Jacques A. Gla	do	
J. Harvey Brigham.....	do	
Cain Sartain.....	Representative	
P. Jones Yorke	do	
J. Edward Burton	do	
Henry Atkins.....	do	
M. Da Basa	Parish-judge.....	
Charles E. Moss, jr.....	do	
Charles Hicks	Sheriff.....	
Nicholas Burton	do	
Pompey Small	Coroner.....	
John H. Collins.....	do	
Wilson Ferguson	Police-juror.....	
Charles H. Nash	do	
Merret Mitchell	do	
W. H. Straube	do	
C. M. Counts	do	
David King.....	do	
C. Ed. Shearer	do	
Jack Snelling	do	
Henry Prier	do	
John Halloway.....	do	

Statement of votes—Continued.

No of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
(770) Seven hundred and seventy.	None.....	

STATE OF LOUISIANA, *Parish of ———* :

Personally appeared before me, the undersigned authority, Thomas F. Montgomery, Samuel L. Murray, and W. W. Benham, duly appointed and qualified commissioner, of election of poll No. 2, election-precinct of the parish of Carroll, for the general election held November 2, who, being duly sworn, deposes and says : That they received the ballots cast at the said poll on the day above mentioned ; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll, on said day.

W. W. BENHAM,
TOM F. MONTGOMERY,
SAM. L. MURRAY,
Commissioners of Election, Poll No. 2, Parish of Carroll, Louisiana.

Sworn to and subscribed to before me this 4th day of November, A. D. 1874.
S. T. AUSTIN, JR.,
Justice of the Peace, Second Ward, Parish of Carroll, Louisiana.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 13, 1875.

I hereby certify that the foregoing is a true and correct extract from the original on file in this office.

[SEAL]

N. DURAND,
Assistant Secretary of State.

EXHIBIT F.—*Statement of votes cast at poll No. 3, parish of Carroll.*

Statement of votes cast at poll No. 3, of election-precinct No. 3, of the parish of Carroll, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet.....	State treasurer	558
John C. Moncure	do	3
Frank Morey	Congress, 5th district	554
W. B. Spencer	do	7
Jacques R. Gla	State senator, 1st district.....	60
George C. Benham.....	do	501
J. Harvey Brigham	do	2
Cain Sartain	Representative	491
P. Jones York	do	498
J. Edward Burton	do	62
Henry Atkins.....	do	61
M. DuBose	Parish-judge.....	60
Charles E. Moss, jr.....	do	498
Charles Hicks	Sheriff	498
Nicholas Burton	do	61
Pompey Small.....	Coroner	498
John H. Collins.....	do	60
Wilson Ferguson	Police-jurors	496
Charles H. Nash	do	499
Marritt Michell	do	498
W. H. Stronbe.....	do	499
C. M. Counts	do	499
David King	do	61
C. Ed. Shearer.....	do	60
Jacks Snelling.....	do	61
Henry Price	do	59
John Halloway	do	59

Statement of votes—Continued.

Number of ballots in box.	Number of ballots rejected.	Reasons for rejection of ballots.
563 (five hundred and sixty-three.)	None.....	

STATE OF LOUISIANA, *Parish of Carroll:*

Personally appeared before me, the undersigned authority, R. M. Bagley, R. K. Anderson, Duf Anderson, duly appointed and qualified commissioners of election of poll No. 3 election-precinct of the parish of Carroll, for the general election held November 2, 1874, who, being duly sworn, deposes and says: That they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll, on said day.

Sworn and subscribed to before me, this 3d day of November, A. D. 1874.
R. M. BAGLEY,
R. K. ANDERSON,
DUF ANDERSON,
Commissioners of Election, Poll No. 3, Parish of Carroll.

Sworn and subscribed to before me this 3d day of November, A. D. 1874.
S. T. AUSTIN, JR.,
Justice of the Peace, Second Ward, Parish of Carroll, La.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 13, 1875.

I hereby certify that the foregoing is a true and correct extract from the original document on file in this office.
[SEAL.]
N. DURAND,
Assistant Secretary of State.

EXHIBIT G.—*Statement of votes cast at poll No. 4, parish of Carroll.*

Statement of votes cast at poll No. —, of election-precinct No. —, of the parish of Carroll, for members of Congress, State and parish officers, at the general election, held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet.....	State treasurer.....	189 (one hundred and eighty-nine.)
J. C. Moncure .....	.....do	52 (fifty-two.)
Frank Murrey	For Congress	167 (one hundred and sixty-seven.)
W. B. Spencer .....	.....do	74 (seventy-four.)
George C. Benham.....	For State senate	156 (one hundred and fifty-six.)
Jacques A. Gla .....	.....do	23 (twenty-three.)
Harvey Brigham.....	.....do	60 (sixty.)
—— Brigham.....	.....do	2 (two.)
Cain Sartain	For house representa- tive.	124 (one hundred and twenty-four.)
T. Jones York .....	.....do	123 (one hundred and twenty-three.)
J. Edward Berton .....	.....do	79 (seventy-nine.)
Henry Atkins.....	.....do	69 (sixty-nine.)
C. E. Moss, jr.....	Parish-judge	117 (one hundred and seventeen.)
M. Dabose.....	.....do	124 (one hundred and twenty-four.)

EXHIBIT G.—Statement of votes cast at poll No. 4, parish of Carroll—Continued.

Names of persons voted for.	For office of—	Number of votes.
Charles Hicks	Sheriff.....	160 (one hundred and sixty.)
Nicholas Borton .....	.....do	67 (sixty-seven.)
Pompey Small.....	Coroner	124 (one hundred and twenty-four.)
J. H. Collins.....	.....do	72 (seventy-two.)
Wilson Ferguson	Police-jury.....	128 (one hundred and twenty-eight.)
Chas. H. Nash .....	.....do	127 (one hundred and twenty-seven.)
Merritt Michell .....	.....do	129 (one hundred and twenty-nine.)
W. H. Stronbe.....	.....do	143 (one hundred and forty-three.)
C. M. Counts .....	.....do	128 (one hundred and twenty-eight.)
David King .....	.....do	53 (fifty-three.)
C. Ed. Shearer .....	.....do	54 (fifty-four.)
Jack Snelling.....	.....do	50 (fifty.)
Henry Price .....	.....do	86 (eighty-six.)

Statement of votes—Continued.

Number of ballots in box.	Number of ballots rejected.	Reasons for rejection of ballots.
241 (two hundred and forty-one.)	None	There was no intimidation or threats of any character.

STATE OF LOUISIANA, Parish of Carroll :

Personally appeared before me, the undersigned authority, James S. Milliken, J. M. Gaddis, and George D. Price, duly appointed and qualified commissioners of election of poll No. —, election-precinct of the parish of —, for the general election, held November 2, 1874, who, being duly sworn, deposes and says: That they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

J. S. MILLIKEN,
G. D. PRICE,
J. M. GADDIS,
Commissioners of Election, Poll No. 4, Parish of Carroll.

Sworn and subscribed to before me this 3rd day of November, A. D. 1874.
MERRILL JACKSON, J. P.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 13, 1875.

I hereby certify that the above and foregoing is a true and correct extract from the original document on file in this office.
[SEAL.]
N. DURAND,
Assistant Secretary of State.

EXHIBIT H.—Statement of votes cast at poll No. 5, parish of Carroll.

Statement of votes cast at poll No. 5, of election precinct No. 5, of the parish of Carroll, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet.....	State treasurer.....	91
John C. Moncure.....	do.....	106
Frank Morey.....	Congress, 5th district.....	96
W. B. Spencer.....	do.....	108
First amendment to constitution.....	For approval.....	97
Do.....	Against.....	101
Second amendment to constitution.....	For.....	97
Do.....	Against.....	101
Third amendment to constitution.....	For.....	97
Do.....	Against.....	101
Fourth amendment to constitution.....	For.....	97
Do.....	Against.....	101
Fifth amendment to constitution.....	For.....	97
Do.....	Against.....	101
George C. Benham.....	Senator, 17th district.....	72
J. Harvey Brigham.....	do.....	23
Jacques A. Gla.....	do.....	121
Cain Sartain.....	Representative.....	36
P. Jones York.....	do.....	65
J. Edward Burton.....	do.....	130
Henry Atkins.....	do.....	127
Charles E. Moss, jr.....	Parish judge.....	49
M. Du Bosa.....	do.....	161
Charles Hicks.....	Sheriff.....	42
Nicholas Burton.....	do.....	151
Pompey Small.....	Coroner.....	45
John H. Collins.....	do.....	123

Statement of votes—Continued.

Number of ballots in box.	Number of ballots rejected.	Reasons for rejection of ballots.
(216) two hundred and sixteen...	Not any.	

STATE OF LOUISIANA,
Parish of Carroll:

Personally appeared before me, the undersigned authority, V. H. Tillory, C. A. Lehman, W. J. Orsburn, duly appointed and qualified commissioners of election of poll No. 5, election precinct of the parish of Carroll, for the general election held November 2, 1874, who, being duly sworn, depose and say: That they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 4th day of November, A. D. 1874.
V. H. TILLORY,
C. A. LEHMAN,
W. J. ORSBURN,
Commissioners of Election, Poll No. 5, Parish of Carroll.

Sworn and subscribed to before me this 4th day of November, A. D. 1874.
S. T. AUSTIN, JR.,
Justice of the Peace, Second Ward, Parish of Carroll, La.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 13, 1875.

I hereby certify that the foregoing is a true and correct extract from the original document on file in this office.
[SEAL.]
N. DURAND,
Assistant Secretary of State.

EXHIBIT J.—*Protest of O. Arroyo, No. 1.*

[From the N. O. Picayune, Dec. 19, 1875.]

The following protest will to-day be entered by Mr. Arroyo against the action of the board in the Carroll Parish contest:

The undersigned, a member of the returning-board, protests against the decision of the board in canvassing and compiling the returns of the parish of Carroll, for the following reasons, to wit: Because, according to said report and tally-sheets made by the commissioners of election at the different polls of said parish, the following parties appear to have received the following vote, viz: At poll 1, Antoine Dubuclet, candidate for State treasurer, received 647 votes, J. C. Moncure 21; Frank Morey, for Congress, received 645 votes, and W. B. Spencer 28; for State senator, Geo. C. Benham received 638 votes, and J. A. Gla 196, J. H. Brigham 7; while E. M. Spann, democratic commissioner of election at said poll, swears that A. Dubuclet received 580 votes, J. C. Moncure 21, F. Morey 569, W. B. Spencer 43, Geo. C. Benham 394, J. A. Gla 196, J. H. Brigham 7; and that any other return purporting to have been made by him (Spann) is false, and his signature thereto is a forgery. At poll 2, for State treasurer, A. Dubuclet received 717 votes, J. C. Moncure 53. For Congress, F. Morey received 719 votes, W. B. Spencer 49. For State senate, Geo. C. Benham received 702 votes, J. A. Gla 65, and J. H. Brigham 3, while T. F. Montgomery, the democratic commissioner of election at said poll, swears that Geo. C. Benham received 427, J. A. Gla 282, and J. H. Brigham 3; and that any other return purporting to be made by him (Montgomery) is false, and the signature thereof is a forgery.

At poll 4, for State treasurer, A. Dubuclet received 558 votes, J. C. Moncure 3; for Congress, F. Morey received 554 votes, and W. B. Spencer 7; for senator, George C. Benham received 501, J. A. Gla 60, and J. H. Brigham 1; while R. M. Bagley, democratic commissioner of election at said poll, swears that Antoine Dubuclet received 514 votes, J. C. Moncure 3 votes; Frank Morey, for Congress, received 510 votes, W. B. Spencer 7 votes, George C. Benham 350 votes, J. A. Gla 164, and J. H. Brigham 1 vote. Being present in the returning-board when the returns were canvassed, he, the said Bagley, pronounced the return false, his signature thereto a forgery, and the tally-sheets accompanying the same as spurious and false; for the tally-sheet that was kept by the commissioners and adopted by them was the one which he, the said Bagley, wrote, and that was in red ink, whereas the one before the returning-board is in black ink.

At poll 4, Antoine Dubuclet received 189 votes, J. C. Moncure 52; for Congress, Frank Morey 167 votes, W. B. Spencer 74; for senator, Geo. C. Benham 156 votes, J. A. Gla 23, J. H. Brigham 60; while J. S. Milliken, the democratic commissioner of election at that poll, swears that at that poll A. Dubuclet received 155 votes, J. C. Moncure 65, F. Morey 156, W. B. Spencer 64, George C. Benham 111, J. A. Gla 56, and J. H. Brigham 60; and that any other return purporting to have been served by him (Milliken) is false, and his signature a forgery.

At poll 5, for State treasurer, A. Dubuclet received 91 votes, J. C. Moncure 106. For Congress, F. Morey received 96 votes, W. B. Spencer 108. For State senate, Geo. C. Benham 72, J. A. Gla 121, and J. H. Brigham 23; while by the testimony of T. P. McCandles, democratic commissioner at said poll, A. Dubuclet received 91 votes, J. C. Moncure 106, F. Morey 96, W. B. Spencer 108, G. C. Benham 41, J. A. Gla 129, and J. H. Brigham 33, and said McCandles swears that any returns purporting to be signed by him, showing a different result, is false and his signature is a forgery. Because it is proven by the testimony of T. F. Montgomery, district attorney of Carroll, Blunt, United States supervisor of said parish, and others, that the clerk of the district court of that parish has unlawfully refused them re-examination of said election returns, and that the defeated candidates for parish offices in said parish have been denied by said clerk the right to examine the duplicate returns, which, by law, make part of the records of his office. Finally, because it is in evidence that at poll 2, Geo. C. Benham, the republican candidate for the senate, did, on the election day, by unlawful and violent conduct, intimidate the colored voters of said parish, and thereby wrongfully and fraudulently procure a more numerous vote than was truly cast for him, by unlawfully threatening the said colored voters as they approached to vote, and brutally snatching from their hands the tickets which they held in their hands and which they were about to deposit in the ballot-box, and forcing upon them other ballots with which he had provided himself for that purpose, and that the said Benham persisted in this course of conduct, contrary to the freedom guaranteed the people at their election, throughout the entire day of election, for the purpose of securing his return as State senator, and the success of the republican party of Carroll Parish.

Because it is in evidence that at poll No. 1, in said parish, the voters had to place their ballots on the end of poles or canes, in order to reach the hands of the commissioners of election, who were seated in a room elevated from the ground, so that the voters were denied the privilege of having their ballots placed in the ballot-box. From these facts it is evident that, first, there has been no fair expression of the votes of the parish of Carroll; second, that we have no returns even of the votes actually

cast; what purport to be returns being proved to be fraudulent and forgeries, and there is no evidence required by law to show what the vote of November 2 really was. The vote of the parish ought not to be taken into consideration by us, as it does not represent the true will of the people of the parish, and affects the vote of the other parishes in that senatorial district and the rest of the State on the question of treasurer. It should, therefore, be rejected. By an agreement on the board, the question, as one of law, was to be referred to two lawyers, to be selected by the board, one to be chosen from the democratic party by the remainder of the board, and one from the republican party, to be chosen by myself. I selected Judge Dooley, candidate for judgeship of the first district court in 1872 on the republican ticket, and a lawyer of erudition and long practice, whose views, presented herewith, fully confirm my position on this question. The board has not yet produced an opinion from a democratic lawyer to the contrary. Well convinced that the rights of the people of the parish of Carroll and of that of the people of the whole State have been outraged and trampled upon by unworthy and criminal agents—in a word, with unscrupulous and reckless partisans, the undersigned hereby solemnly protests against compiling and canvassing, as genuine, the fraudulent returns above set forth.

LOCAL OPINIONS.

The following opinions, addressed to Mr. Arroyo from Mr. M. A. Dooley, upon the duties of returning-officers in relation to returns wherein forgery has been proved, and also with respect to the power and obligation of the board to send for persons and papers under such circumstances, will be found pertinent and interesting now, inasmuch as the board has failed to perform its duty in this regard:

NEW ORLEANS, December 17, 1874.

OSCAR ARROYO, Esq., *Returning-Officer*:

DEAR SIR: With regard to the question which you propounded to me as to the duty and power of your board in cases where it has been brought to your knowledge that fraud, forgery, and perjury have been committed in returns of election, "materially changing the result of such election," I am clearly of the opinion that it is within your power and it is your duty "to examine further testimony," (than such returns,) and to this end you have "power to send for persons and papers," and upon such investigation to give effect to the honest votes cast. Or else, if you find the corrupt influences did materially change the result of the election, you should not canvass or compile the statement, but exclude the returns.

Respectfully,

M. A. DOOLEY.

NEW ORLEANS, December 17, 1874.

OSCAR ARROYO, Esq., *Returning-Officer*:

You know the opinion which I sent you this morning was given on very short notice, without time for reflection or examination. I wish to add to it by calling your attention to the oath each member of your board has taken, to wit: "I do solemnly swear that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election: So help me God."

It is unnecessary for me to suggest to a gentleman of your intelligence what the signification of the word "canvass" means. A reference to any standard dictionary determines it. How gentlemen placed in your official position could conscientiously conform to your said oath of office, and carefully and honestly canvass and compile the statements of votes, and make a true and correct return of the election, and yet sanction and give effect to a forged and fraudulent return, is, to me, incomprehensible. A forged and fraudulent return is no return at all, any more than a forged bank-note is a bank-note. We know how a man is esteemed and dealt with by the law, who knowingly palms off a forged bank-note; and we likewise know that it is true in morals as in law, that no man can sanction and give effect by his act to forgery and fraud without being *particeps criminis*.

Respectfully,

M. A. DOOLEY.

EXHIBIT K.—*Reply of Wells to protest of Arroyo, No. 1.*

[From the New Orleans Republican, December 20, 1874.]

THE RETURNING-BOARD.

There was little or nothing done by this body yesterday, excepting what was accomplished in executive session. The board met as usual, and after adopting the minutes

of the previous day went into secret session, during which time the contests in the parishes of Red River, Natchitoches, and Avoyelles were settled and the returns of those parishes ordered to be compiled.

The board adjourned to meet again to-morrow at 11 o'clock.

Governor Wells yesterday submitted the following reply to the protest of Mr. Arroyo :

Hon. Oscar Arroyo, a member of the board, has entered a protest against the decision of the board in the Carroll Parish case, which the majority of the board do not think gives a full statement of the case, and it omits to give the grounds on which it was decided; consequently we deem it our duty to place our decision and the reasons for it properly on record.

The supervisor of registration returned a statement of the votes and the tally-sheets from the several polls in this parish to this board, in proper legal form, when they were opened by the board and examined. Mr. Gla, a republican candidate for the senate, and the attorneys for the democratic party entered for objection to the returns substantially two reasons :

1. That the election in this parish was not fair, free, and peaceable; that the voters had been intimidated, and forced to vote contrary to their wish.

2. That the returns of the commissioners from the several polls made by the supervisor to this board were forgeries, or had been changed.

Much evidence, in the shape of affidavits, was filed in the case by the parties in interest.

A careful examination of the evidence on both sides satisfied us that the election was fair, free, and peaceable, and that on the day of election there was nothing unusual that affected the voters at any of the polls. It is true there was some such evidence as that alluded to by Mr. Arroyo, at poll No. 1, where it is charged that Benham, one of the candidates for the senate, intimidated voters and caused them thereby to vote for him. It is proved that Benham did procure colored voters to change their ballots, but there is no such evidence as will justify the conclusion that he exercised any violence or threats to induce them to do so.

At poll No. 2, it is charged that the ballot-box was made so inaccessible that ballots had to be put on the ends of canes to hand them up to the commissioners; this evidence is not sustained by the commissioners; even Mr. Shaw, the democratic commissioner at this box, does not corroborate this statement; but even if it were so, as commissioners of both political parties presided at this poll, and there is no proof that the ballots actually voted were not put in the box, it cannot invalidate the election.

The whole evidence satisfies us that up to and on the day of election there was no intimidation or other unlawful act that should invalidate the election at any poll in this parish, but that the election was as fair, free, and peaceable as usual, and that the voters very generally exercised their right to vote. There were 2,530 voters registered and 2,263 voted. In fact, it is not attempted to be proved that any one was prevented from voting from any unlawful cause.

It is clear that all was fair, free, and peaceable up to the close of the election in this parish. If anything transpired to deprive the voters of this parish from having their votes properly returned and compiled, it was after the election; and under the law it is the duty of this board, and it has the power, to inquire into any such fraud, and, if found to exist, to ascertain the facts and make the proper correction and compilation. This the board proceeded to do. In the absence of intimidation or other acts that would improperly influence the election on or before the day of election, the law authorizes us to take evidence and even send for persons and papers where corrupt influences have been used to offset the election. Fraudulent changing the commissioners' returns comes under this head. Now, in canvassing the returns under this authority, it is the duty of the board to ascertain the true state of the vote, and to so compile it; not to reject it altogether, as Mr. Arroyo contends in his protest. If the returns should be found to have been changed they are to be corrected so as to show the true state of the case, and not be altogether rejected.

The main contest in this case was between Mr. Benham and Mr. Gla, both republican candidates for the senate, and both claiming to be regularly nominated. There was, also, a democratic candidate for the senate, Mr. Brigham.

There is no evidence that the return from poll five had been, in any particular, changed.

There is no evidence there was any changing of the returns of the commissioners from poll two, except as to Benham and Gla.

The evidence shows that the returns of the commissioners of election, from polls 1, 3, and 4 had been changed as to the candidates for treasurer, Congress, and senate, and the real number of votes received by each candidate are detailed in the evidence, but the change in the number of votes for treasurer and Congress is too small to offset the result of the election for either of these offices.

The evidence satisfies the majority of the board that the appended affidavit of Mr.

Blount, United States supervisor of election for that parish, appointed on the recommendation of the democratic party, gives the true state of the vote between Mr. Benham and Mr. Gla. This testimony is supported by the democratic commissioners at these three boxes, which stand as follows :

	Benham.	Gla.
Poll 1	394	196
Poll 2	427	282
Poll 3	360	164
Poll 4	114	56
Poll 5	43	129
Total.....	1,338	827

We predicate this altogether on the testimony from democratic sources.
The evidence does not satisfy us that the commissioners' returns are forgeries, but that they have been changed in the above particulars.
It has been our purpose in this investigation to give the voters in Carroll Parish the real benefit of their votes, honestly and without fraud or intimidation cast at the election.
Our colleague, Mr. Arroyo, has, in his protest in this case, departed from the equitable and just rule that ought to govern in such cases in insisting in throwing out the entire vote of this parish, thereby depriving the voters of their inestimable privilege when they are in no manner at fault, the effect of which would be the counting in a number of his party friends, and deprives him of that high position he has assumed throughout of being altogether impartial.

J. MADISON WELLS,
President Returning-Board.

STATE OF LOUISIANA, *Parish of Carroll:*

Before me, the undersigned authority, personally came and appeared W. A. Blount, United States supervisor of registration and election in and for the parish of Carroll, duly appointed, commissioned, and sworn by the United States circuit judge, Hon. W. B. Woods, and the said Blount being duly sworn by me, declared and said that the registration of the parish of Carroll closed on Friday evening, October 23, 1874, R. M. Lackey, supervisor, W. W. Benham and James Mulligan, clerks; and that the total registration of the said parish was, as shown on the registration-books, 2,530 names; that on the second day of November, 1874, the vote cast in the said parish of Carroll, for State senator, was 2,263, being 265 less than the actual registration, and that vote so cast was for the persons named, as follows: George C. Benham, 1,348; J. A. Gla, 827; J. H. Bringham, 98; giving George C. Benham a majority of 509 votes in the parish of Carroll over J. A. Gla. That I have this knowledge from a personal inspection of the tally-sheets of the First, Second, and Fifth wards, and that my knowledge of the vote of the Third and Fourth wards is received from the commissioners of election and deputy United States supervisors stationed at those wards on the day of election. And this appearer further swears that he was present in person at the Second ward in said parish in his capacity of United States supervisor of election, and that after the count of the votes was made in said ward, and the tally-sheets folded up on Tuesday evening, November 3, 1874, the said tally-sheets were not signed at as late as ten o'clock on said evening, being twenty-eight hours, at least, after the closing of the polls; and that the said tally-sheets and ballot-box were carried away from the voting-place without being signed by the commissioners of election; that W. W. Benham had the said tally-sheets and ballot-box in possession when last seen by this appearer; and that this appearer has repeatedly been refused permission to examine said tally-sheets after they were conveyed away from the voting-place when he applied to Mr. Lackey and W. W. Benham, clerk, to examine them in his capacity of United States supervisor of registration and election for the said parish of Carroll; and that the said tally-sheets were conveyed away from the said parish without having been examined by this appearer after compilation.

That no duplicates of said tally-sheets can be found by me in said parish after repeated application at the office of the clerk of the court for transcripts from them.
That this appearer verily believes that an evasion of the election-laws of this State is being consummated in the improper and illegal control of the election-returns of the parish of Carroll by R. M. Lackey, supervisor, and W. W. Benham, his clerk.

W. A. BLOUNT.

United States Supervisor of Registration and Election for the Parish of Carroll.

Sworn to and subscribed before me on this 26th day of November, 1874.

S. D. OLIVER,
Deputy Clerk.

EXHIBIT L.—*Protest of Arroyo, No. 2.*

It has leaked out, however, that Carroll Parish has been finally decided, and that Gla has been returned, though the statement of votes presented respecting the candidates for Treasurer and Congressman has been accepted.

PROTEST OF MR. ARROYO.

The following protest will to-day be entered by Mr. Arroyo against the action of the board in the Carroll Parish contest :

The undersigned, a member of the returning-board, protests against the decision of the board in canvassing and compiling the returns of the parish of Carroll, for the following reasons, to wit : Because, according to said report and tally-sheets made by the commissioners of election at the different polls of said parish, the following parties appear to have received the following vote, viz : At poll 1. Antoine Dubuclet, candidate for State treasurer, received 647 votes ; J. C. Moncure, 21 ; Frank Morey, for Congress, received 645 votes, and W. B. Spencer 23 ; for State senator, Geo. C. Benham received 638 votes, and J. A. Gla 196, J. H. Brigham 7 ; while E. M. Spann, democratic commissioner of election at said poll, swears that A. Dubuclet received 580 votes, J. C. Moncure 21, F. Morey 569, W. B. Spencer 43, Geo. C. Benham 394, J. A. Gla 196, J. H. Brigham 7, and that any other return purporting to have been made by him (Spann) is false, and his signature thereto is a forgery. At poll 2, for State treasurer, A. Dubuclet received 717 votes, J. C. Moncure 53. For Congress, F. Morey received 719 votes, W. B. Spencer 49. For State senate, Geo. C. Benham received 702 votes, J. A. Gla 65, and J. H. Brigham 3, while T. F. Montgomery, the democratic commissioner of election at said poll, swears that Geo. C. Benham received 427 votes, J. A. Gla 232, and J. H. Brigham 3, and that any other return purporting to be made by him (Montgomery) is false, and the signature thereto is a forgery.

At poll 4, for State treasurer, A. Dubuclet received 553 votes, J. C. Moncure 3 ; for Congress, F. Morey received 554 votes, and W. B. Spencer 7 ; for Senator, Geo. C. Benham received 501, J. A. Gla 60, and J. H. Brigham 1 ; while R. M. Bagley, democratic commissioner of election at said poll, swears that Antoine Dubuclet received 514 votes, J. C. Moncure 3 votes ; Frank Morey, for Congress, received 510 votes, W. B. Spencer 7 votes, George C. Benham 350 votes, J. A. Gla 164, and J. H. Brigham 1 vote. Being present in the returning-board when the returns were canvassed, he, the said Bagley, pronounced the return false, his signature thereto a forgery, and the tally-sheets accompanying the same as spurious and false ; for the tally-sheet that was kept by the commissioners and adopted by them was the one which he, the said Bagley, wrote, and that was in red ink, whereas the one before the returning-board is in black ink.

At poll 4, Antoine Dubuclet received 189 votes, J. C. Moncure 52 ; for Congress, Frank Morey 167 votes, W. B. Spencer 74 ; for senator, Geo. C. Benham 156 votes, J. A. Gla 23, J. H. Brigham 60 ; while J. S. Millikin, the democratic commissioner of election at that poll, swears that at that poll A. Dubuclet received 155 votes, J. C. Moncure 65, F. Morey 156, W. B. Spencer 64, George C. Benham 111, J. A. Gla 56, and J. H. Brigham 60 ; and that any other return purporting to have been signed by him (Millikin) is false, and his signature a forgery.

At poll 5, for State treasurer, A. Dubuclet received 91 votes ; J. C. Moncure, 106 ; for Congress, F. Morey received 96 votes ; W. B. Spencer, 108 ; for State senate, Geo. C. Benham, 72 ; J. A. Gla, 121 ; and J. H. Brigham, 23 ; while by the testimony of T. F. McCandles, democratic commissioner at said poll, A. Dubuclet received 91 votes ; J. C. Moncure, 106 ; F. Morey, 96 ; W. B. Spencer, 108 ; G. C. Benham, 41 ; J. A. Gla, 129 ; and J. H. Brigham, 33 ; and said McCandles swears that any returns purporting to be signed by him, showing a different result, is false, and his signature is a forgery. Because it is proven by the testimony of T. F. Montgomery, district attorney of Carroll ; Blunt, United States supervisor of said parish ; and others, that the clerk of the district court of that parish has unlawfully refused them re-examination of said election-returns, and that the defeated candidates for parish offices in said parish have been denied by said clerk the right to examine the duplicate returns, which, by law, make part of the records of his office. Finally, because it is in evidence that at poll 2 Geo. C. Benham, the republican candidate for the senate, did, on the election-day, by unlawful and violent conduct, intimidate the colored voters of said parish, and thereby wrongfully and fraudulently procure a more numerous vote than was truly cast for him, by unlawfully threatening the said colored voters as they approached to vote, and brutally snatching from their hands the tickets which they held in their hands, and which they were about to deposit in the ballot-box, and forcing upon them other ballots with which he had provided himself for that purpose ; and that the said Benham persisted in this course of conduct, contrary to the freedom guaranteed the people at their election, throughout the entire day of election, for the purpose of securing his return as State senator and the success of the republican party of Carroll Parish.

Because it is in evidence that at poll No. 1, in said parish, the voters had to place

their ballots on the end of poles or canes in order to reach the hands of the commissioners of election, who were seated in a room elevated from the ground, so that the voters were denied the privilege of having their ballots placed in the ballot-box. From these facts it is evident that, first, there has been no fair expression of the votes of the parish of Carroll; second, that we have no returns even of the votes actually cast, what purports to be returns being proved to be fraudulent and forgeries, and there is no evidence required by law to show what the vote of November 2 really was. The vote of the parish ought not to be taken into consideration by us, as it does not represent the true will of the people of the parish, and affects the vote of the other parishes in that senatorial district and the rest of the State on the question of treasurer. It should, therefore, be rejected. By an agreement of the board, the question, as one of law, was to be referred to two lawyers, to be selected by the board, one to be chosen from the democratic party by the remainder of the board, and one from the republican party, to be chosen by myself. I selected Judge Dooley, candidate for judgeship of the first district court in 1872 on the republican ticket, and a lawyer of erudition and long practice, whose views, presented herewith, fully confirm my position on this question. The board has not yet produced an opinion from a democratic lawyer to the contrary. Well convinced that the rights of the people of the parish of Carroll, and of that of the people of the whole State, have been outraged and trampled upon by unworthy and criminal agents—in a word, with unscrupulous and reckless partisans, the undersigned hereby solemnly protests against compiling and canvassing, as genuine, the fraudulent returns above set forth.

EXHIBIT M.—*Reply of Wells to protest of Arroyo, No. 2.*

Governor Wells yesterday submitted the following reply to the protest of Mr. Arroyo:

Hon. Oscar Arroyo, a member of the board, has entered a protest against the decision of the board in the Carroll Parish case, which the majority of the board do not think gives a full statement of the case, and it omits to give the grounds on which it was decided, consequently we deem it our duty to place our decision and the reasons for it properly on record.

The supervisor of registration returned a statement of the votes, and the tally-sheets from the several polls in this parish to this board, in proper legal form, when they were opened by the board and examined. Mr. Gla, a republican candidate for the senate and the attorney for the democratic party, entered for objection to the returns substantially two reasons:

1. That the election in this parish was not fair, free, and peaceable; that the voters had been intimidated and forced to vote contrary to their wish.

2 That the returns of the commissioners from the several polls made by the supervisor to this board were forgeries, or had been changed.

Much evidence, in the shape of affidavits, was filed in the case by the parties in interest.

A careful examination of the evidence on both sides satisfied us that the election was fair, free, and peaceable, and that on the day of election there was nothing unusual that affected the voters at any of the polls. It is true there was some such evidence as that alluded to by Mr. Arroyo, at poll No. 1, where it is charged that Benham, one of the candidates for the senate, intimidated voters and caused them thereby to vote for him. It is proved that Benham did procure colored voters to change their ballots, but there is no such evidence as will justify the conclusion that he exercised any violence or threats to induce them to do so.

At poll No. 2 it is charged that the ballot-box was made so inaccessible that ballots had to be put on the ends of canes to hand them up to the commissioners. This evidence is not sustained by the commissioners. Even Mr. Shaw, the democratic commissioner at this box, does not corroborate this statement; but even if it were so, as commissioners of both political parties presided at this poll, and there is no proof that the ballots actually voted were not put in the box, it cannot invalidate the election.

The whole evidence satisfies us that up to and on the day of election there was no intimidation or other unlawful act that should invalidate the election at any poll in this parish, but that the election was as fair, free, and peaceable as usual, and that the voters very generally exercised their right to vote. There were 2,534 voters registered, and 2,263 voted. In fact, it is not attempted to be proved that any one was prevented from voting from any unlawful cause.

It is clear that all was fair, free, and peaceable up to the close of the election in this parish. If anything transpired to deprive the voters of this parish from having their votes properly returned and compiled, it was after the election; and under the law it

is the duty of this board, and it has the power, to inquire into any such fraud, and, if found to exist, to ascertain the facts and make the proper correction and compilation. This the board proceeded to do. In the absence of intimidation or other acts that would improperly influence the election on or before the day of election, the law authorizes us to take evidence and even send for persons and papers where corrupt influences have been used to offset the election. Fraudulent changing the commissioners' returns comes under this head. Now, in canvassing the returns under this authority, it is the duty of the board to ascertain the true state of the vote, and to so compile it, not to reject it altogether, as Mr. Arroyo contends in his protest. If the returns should be found to have been changed they are to be corrected so as to show the true state of the case, and not be altogether rejected.

The main contest in this case was between Mr. Benham and Mr. Gla, both republican candidates for the senate, and both claiming to be regularly nominated. There was also a democratic candidate for the senate, Mr. Brigham.

There is no evidence that the return from poll five had been, in any particular, changed.

There is no evidence there was any changing of the returns of the commissioners from poll two, except as to Benham and Gla.

The evidence shows that the returns of the commissioners of election from polls 1, 3, and 4 had been changed as to the candidates for treasurer, Congress, and senate, and the real number of votes received by each candidate are detailed in the evidence; but the change in the number of votes for treasurer and Congress is too small to offset the result of the election for either of these offices.

The evidence satisfies the majority of the board that the appended affidavit of Mr. Blount, United States supervisor of election for that parish, appointed on the recommendation of the democratic party, gives the true state of the vote between Mr. Benham and Mr. Gla. This testimony is supported by the democratic commissioners at these three boxes, which stand as follows:

	Benham.	Gla.
Poll 1	394	196
Poll 2	427	282
Poll 3	360	164
Poll 4	114	56
Poll 5	43	129
Total	1,338	827

We predicate this altogether on the testimony from democratic sources.

The evidence does not satisfy us that the commissioners' returns are forgeries, but that they have been changed in the above particulars.

It has been our purpose in this investigation to give the voters of Carroll Parish the real benefit of their votes, honestly and without fraud or intimidation cast at the election.

Our colleague, Mr. Arroyo, has, in his protest in this case, departed from the equitable and just rule that ought to govern in such cases, in insisting in throwing out the entire vote of this parish, thereby depriving the voters of their inestimable privilege when they are in no manner at fault, the effect of which would be the counting in a number of his party friends, and deprives him of that high position he has assumed throughout of being altogether impartial.

J. MADISON WELLS,
President Returning-Board.

STATE OF LOUISIANA, Parish of Carroll:

Before me, the undersigned authority, personally came and appeared W. A. Blount, United States supervisor of registration and election in and for the parish of Carroll, duly appointed, commissioned, and sworn by the United States court judge, Hon. W. A. Woods, and the said Blount, being duly sworn by me, declared and said that the registration of the parish of Carroll closed on Friday evening, October 23, 1874, R. M. Lackey, supervisor, W. W. Benham and James Mulligan, clerks, and that the total registration of the said parish was, as shown on the registration-books, 2,530 names; that on the second day of November, 1874, the vote cast in the said parish of Carroll for State senator was 2,263, being 265 less than the actual registration, and that vote, as cast, was for the persons named, as follows: George C. Benham, 1,343; J. A. Gla, 97; J. H. Brigham, 98; giving George C. Benham a majority of 509 votes in the parish of Carroll over J. A. Gla. That I have this knowledge from a personal inspection of the tally-sheets of the First, Second, and Fifth wards, and that my knowledge of the vote of the Third and Fourth wards is received from the commissioners of election and deputy United States supervisors stationed at those wards on the day of election. And this appearer further swears, that he was present in person at the Second ward in said parish, in his capacity of United States supervisor of election, and that after the count of the votes was made in said ward, and the tally-sheets folded up, on Tuesday

evening, November 3, 1874, the said tally-sheets were not signed at as late as 10 o'clock on said evening, being twenty-eight hours, at least, after the closing of the polls; and that the said tally-sheets and ballot-box were carried away from the voting-place without being signed by the commissioners of election; that W. W. Benham had the said tally-sheets and ballot-box in possession when last seen by this appearer, and that this appearer has repeatedly been refused permission to examine said tally-sheets after they were conveyed away from the voting-place when he applied to Mr. Lackey and W. W. Benham, clerk, to examine them in his capacity of United States supervisor of registration and election for the said parish of Carroll; and that the said tally-sheets were conveyed away from the said parish without having been examined by this appearer after compilation.

That no duplicates of said tally-sheets can be found by me in said parish after repeated application at the office of the clerk of the court for transcripts from them.

That this appearer verily believes that an evasion of the election-laws of this State is being consummated in the improper and illegal control of the election-returns of the parish of Carroll by R. M. Lackey, supervisor, and W. W. Benham, his clerk.

W. A. BLOUNT,

United States Supervisor of Registration and Election for the Parish of Carroll.

Sworn to and subscribed before me on this 25th day of November, 1874.

S. D. OLIVER,

Deputy Clerk.

EXHIBIT N.—*Statement of returning-board of its action.*

[From the New Orleans Republican, December 25, 1874.]

The following statement of the action of the board was submitted at the conclusion of its labors:

In closing the labor of canvassing and compiling the vote of the State given at the election on the 2d of November last, it is but just and proper that the returning-officers should give a statement of the difficulties attendant on their labors and the principles laid down, drawn from the law, to direct them in the discharge of their duties.

In the first place, this election was very loosely conducted by the commissioners of election, so much so, that at not one-tenth of the polls in the State were the forms required by law observed.

The law requires the supervisors of registration to forward to the returning-officers, first, the list of votes kept by the commissioners of election; second, the statement of the persons voted for, and the number of votes received by each; and, third, the tally-sheets; all of which the commissioners of election are required to furnish the supervisors, and they to forward to the returning-officers.

In many cases no lists of voters were kept by the commissioners, or if there was, they were not forwarded to the returning-board by the supervisors; and many that were forwarded to the returning-board were not signed or sworn to, as the law requires. In many cases there was no statement of the persons voted for and the number of votes received by them forwarded to the returning-board, for the reason that none were furnished by the commissioners of election to the supervisors, and many that were returned were neither signed nor sworn to, and in many cases there were no tally-sheets forwarded to the returning-board to enable them to test the accuracy of the statement of votes, and in some instances only the tally-sheets were returned to the returning-board without the list of voters or the statement of votes, and they not signed or sworn to as the law requires. This being the case, it became necessary that the papers received from the polling-places should be carefully examined. There were over 650 polling-places in the State, and there was a long list of candidates. So it became a very laborious duty, which occupied the board nearly a month, laboring from 11 a. m. to 4 p. m., and from 7 to 11 p. m., every day.

The law requires "That in such canvass and compilation the returning-officers shall observe the following order: They shall compile first the statements from all polls or voting-places at which there shall have been a fair, free, and peaceable registration and election. Whenever from any poll or voting-place there has been any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences which prevented or tended to prevent a fair, free, and peaceable vote of all qualified electors entitled to vote at such poll or voting-place, such returning-officers shall not canvass, count, or compile the statement of votes from such poll or voting-place until the statements from all other polls or voting-places shall have been canvassed and compiled. The returning-officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll and voting-place."

The board has followed this requirement of the law, as it was their imperative duty to do, and in examining the proceedings of the commissioners of election forwarded to it by the supervisors, when either of the counsel appointed by the political parties objected to the count of any poll, and laid before the board any evidence to sustain such objections, such polls were passed over and not canvassed until the board had compiled the vote from all polls not objected to.

In the progress of the examination a large number of polls were objected to, including some in twenty-seven of the parishes, and all in some. The grounds of objection to some of the polls were the failure of a substantial compliance with the law in conducting the election and making returns to the supervisors; to some, that the returns of the commissioners had been changed after they had been made to the supervisors; and to the far greater number, that the voters had been intimidated, so that they did not register or vote, or were compelled to vote differently from what they desired.

Had the board decided that anything like a strict compliance with the forms of law in holding the election and making the returns to the supervisor would be required, the effect would have been that so many of the polls would have been thrown out that there would have been no election in the State. The board then adopted the rule that when the supervisor had returned any evidence showing an election was held, although it be only a tally-sheet unsigned or sworn to, that, in the absence of any evidence of fraud or intimidation, it would compile the vote as shown by such evidence or document. If it may be called evidence, this decision disposed of a good many protests to the reception of polls, but when the substantial forms of law had not been observed, and evidence of fraud or intimidation was produced, the failure of the substantial compliance with the forms of law was considered a badge of fraud, and the poll was rejected. We believed this to be a just and reasonable rule, and the board strictly adhered to it.

In the cases of Carroll, Saint Helena, and Saint James Parishes, where it was charged and proved the returns made by the commissioners to the supervisors had been changed after they came into the hands of the supervisors, the board took evidence to ascertain the true state of the vote, and made the compilation accordingly.

The question raised against the greater number of polls was the charge of intimidation to prevent voters from voting, and forcing them to vote against their wishes. To establish this charge a great mass of affidavits was taken, some applicable to whole parishes and some to particular polls, and a mass of counter-affidavits was also filed.

The general facts proved on this point establishes that about May, 1874, a military organization known as the White League was established in this State, which extended to every parish of the State, and permeated every neighborhood; that the object of this organization was to prevent colored men from voting, unless they could be controlled to vote the democratic ticket, and to prevent them from holding office; and further, to compel the republicans holding office under the present State government to abdicate their offices, and to prevent the republican party in this State from organizing, with a view of concentrating their party at the late election, and to expel the white republicans from the State unless they would desist from organizing the republican party in this State and withdraw from the active support of that party.

The means taken by this White League organization to accomplish the above purposes are shown to have been by threats that if the colored voters did not vote the democratic ticket they should be expelled from the plantations on which they were farming; be deprived of their crops; be excluded from renting lands hereafter, or of being employed, and deprived of rations or credit to obtain them; and the leading colored men were threatened with death if they persisted in organizing the republican party, and white republicans were threatened with personal violence, proscription in business and socially of themselves and families, and with hanging, if they persisted in organizing the party with a view to the late elections.

The organization, in armed bands, in many parishes in the State carried their threats of personal violence into effect by killing some republicans, whipping and ill-treating others, and compelled the parish officers, holding office under the present State government, to abdicate their offices. This was particularly the case in all the Red River parishes, most of the Teche parishes, and in the parishes between the Red and Ouachita rivers.

All the above acts resorted to by this White League organization to carry out their purpose were clear violations of both the State and United States laws, and would subject the perpetrators of those acts to imprisonment in the penitentiary, so obvious they are to the sense of the people of the country.

The evidence of such acts of intimidation which prevented a fair, free, and peaceable election in the parishes of Saint Martin and Grant, was so general and overwhelming that the board felt compelled to throw out every box in these parishes, and in many other parishes where there was satisfactory proof that intimidation had been used at designated polls so as to prevent a fair, free, and peaceable election at such polls, they were excluded from the compilation as the law requires.

When the friends of a political party—such as the White League organization is

toward the democratic party—shall so clearly and generally violate the laws of country to control an election in their interests, it is but just and proper that if they are shown to have brought such acts to bear on an election, that they should be permitted to profit by it, and such is the intention of the law. The board, however, in this case did not exclude any poll from the compilation except on satisfactory proof that such violation of law had been perpetrated, and that it had the effect of inducing a sufficient number of voters to change the result of the election.

As all these acts to produce intimidation had been perpetrated in favor of the democratic party and against the republican party, the polls excluded from the compilation generally gave majorities in favor of the democratic party, and their exclusion from the compilation reduced the vote of that party, and in some instances had the effect of returning representatives and other officers of the opposite party, different from returns made by the supervisors. This is the natural result of an illegal attempt to accomplish an object, and is no fault of the board.

The counsel of the democratic party protested against the counting of certain returns in the parishes of Natchitoches and Bossier on the grounds that the United States troops were expected at the polls on the day of election, or did actually visit the polls on the day of election, in order to assist the United States marshal to arrest persons charged with violations of the United States laws, and that in consequence a great number of democrats did not attend the polls and vote for fear of arrest by the United States troops. Even if such facts had been fully proved as alleged, we do not see that there was any violation of law in the United States troops doing so. Certainly a person charged with a crime against the United States law cannot say he is intimidated by the fact that the marshal with the United States troops is trying to arrest him; it is his own fault if he is guilty, and he cannot urge his own crime as his protection, certainly persons not conscious of their guilt would not flee from the presence of the United States marshal and his posse of United States soldiers. This is preposterous and we did not consider this a good ground of intimidation.

There were no returns of election from the parish of De Soto made by the supervisor of registration as the law required. Persons interested produced the clerk of court with such papers as by law were intrusted to him, and offered them as the returns from the parish. The board decided they could not receive and canvass and compile such returns. The parties in interest applied to the proper court for a mandamus to compel the board to receive, canvass, and compile those returns, but upon trial the court sustained the ruling of the board. The same principle was acted on in the T. J. Bonne case.

There was no supervisor in the parish of Winn, the one appointed for that parish having been expelled from the parish and an unauthorized person assumed to be the supervisor. The board could not recognize such lawlessness.

The board submits to the legislature and the people of this State the result of this investigation with a consciousness that they have properly discharged their trust.

J. MADISON WELLS,
President

NEW ORLEANS, December 24, 1874.

The board adjourned subject to the call of the president.

EXHIBIT O.—*Report of returning-board.*

OFFICE BOARD OF RETURNING-OFFICERS, STATE OF LOUISIANA,
New Orleans, January 20, 1875.

To the senate and house of representatives of the State of Louisiana in general assembly convened:

The undersigned, members of the board of returning-officers of elections for the State, have the honor to submit to your honorable bodies the following report of canvass and compilation of the vote of the State for State treasurer, members to Congress, members of the general assembly, district and parish officers, at the election held on the 2d day of November, 1874, A. D.

RETURNING-BOARD.

The returning-board was organized under the following law:

"That five persons, to be elected by the senate from all political parties, shall be returning-officers of all elections in the State, a majority of whom shall constitute a quorum and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning-officers."

This act became a law on the 20th November, 1872. The senate not then being in session, at the succeeding term of the legislature, commencing on the first Monday of January, 1873, the senate elected the following persons as such returning-officers, viz: J. Madison Wells, John Lynch, James Longstreet, Gadane Casanave, Louis M. Kenner.

Mr. Lynch having resigned, T. C. Anderson was elected by the board. At the time this election took place the party nomenclature of this State was republican, conservative, and liberal republican.

J. Madison Wells then represented the liberal republican party, T. C. Anderson the conservative party, James Longstreet, G. Casanave, and L. M. Kenner the republican party.

At the last election, November 2, 1874, the parties had changed so that there were but two organizations, one the republican and the other designated by different names, but most generally known as the White League party. None of the above members of the board joined the White League party or in any manner affiliated with it under any of its names.

The board of returning-officers met on the 11th November, 1874, to canvass and compile the vote of the State, cast at the election on the second day of that month. One of the first acts of the board was to invite the State organizations of both the above parties to appoint counsel to attend on the board, to make any protests, objections, or arguments they might think proper, and both parties availed of this privilege. One of the first protests made by the White League counsel was to the organization of the board, that their party was not represented on the board.

General J. Longstreet, then being in very bad health and not able to attend to the duties of the board, and wishing to satisfy all parties, resigned his position on the board. This took place before any part of the vote had been canvassed or compiled, and two or three days after the board first met. The remaining members of the board then elected Hon. John M. Sandidge, a gentleman of high standing, formerly, before the war, a member of Congress, and who was acting with the White League party, to fill the vacancy. Mr. Sandidge declined to accept. The board then elected Hon. Oscar Arroyo, who was acting in full sympathy with the White League party, and to whom their counsel made no objection. The board then proceeded with its labors, Mr. Arroyo taking an active part up to the 22d December, 1874, two days before the final adjournment of the board, when he resigned. The board closed its labors on the 24th December, 1874.

In order for a proper understanding of the duties and action of the returning-board it will be necessary to give, briefly, the formalities and requirements of the law in holding and conducting an election in this State.

Under the constitution of this State, no person is allowed to vote unless he is registered as a voter in the precinct in which he offers to vote, and he must have resided in the State one year, and in the parish or precinct ten days before the election. In order that a registration of the voters shall be made before an election, the law provides that a State registrar of voters shall be appointed by the governor, by and with the advice and consent of the senate, whose duty it is to superintend the registration throughout the State. It is further made the duty of the governor to appoint one supervisor of registration and two clerks, (the supervisors have no right either to appoint deputies or clerks,) for each parish in the State and each ward in the city of New Orleans, (the concurrence and advice of the senate is not required to these appointments,) whose duty it is to register the voters and give them certificates thereof, which registration is to be closed nine days before the day of election, in order that none who have not been in the parish or precinct ten days should be registered.

In all the parishes of the State, except Orleans, the police-juries fix the polling-places and appoint three commissioners to hold the election at each polling-place. In the city of New Orleans the supervisors of registration fix the polling-places and appoint the commissioners of election. It is required by law that the commissioners of election should be twelve months resident of the parish or precinct, and that they should be selected from different political parties, and be of good standing in their respective parties.

The commissioners of election are required to take an oath to properly discharge their duties before entering thereon. The supervisor of registration is required to furnish the commissioners at each poll a list of the registered voters of the parish or precinct. One of the commissioners is required to keep a list of the voters as they vote, and to number them from one to the end regularly. Every voter, when he offers to vote, must produce his certificate of registration, which, when he votes, is marked "voted," and signed by the commissioner, and the name is then erased from the list of voters furnished by the supervisor to the commissioners.

At the closing of the election at 6 o'clock p. m., and before the opening of the box, the commissioners are required to certify, under oath, that the list of voters is a correct list of those voting, and must sign such certificate. The boxes then are required to be opened immediately at the place where the votes were received, and a count to be made by the commissioners. They are required to keep tally-lists of the votes as

counted, and at the closing of the count to make duplicates of the statement of the vote, showing who were voted for, the office for which they were voted for, and the number of votes received by each, which statements the commissioners are required to sign and swear to as correct. One of such duplicates is to be delivered to the supervisor of registration of the parish, and one to the clerk of the court of the parish, and in the parish of Orleans to the secretary of state. This is required to be done within twenty-four hours after the closing of the polls. The list of voters and tally-sheets are to be delivered to the supervisors of registration to be forwarded to the board, and not to the clerks of court.

The supervisors of registration are required within *twenty-four hours* after the receipt of the returns from the different polling-places, to consolidate such returns to be certified as correct by the clerks of court, and forward the consolidated returns with the original returns of the commissioners received by him to the returning-officers provided by law; he shall also forward to the returning-board a copy of any statement of violence or disturbance, bribery or corruption, or other offenses, together with all *memoranda and tally-lists* used in making the count and statement of votes.

The returning-board are required by law to meet at New Orleans *within ten days* after the closing of the election, to *canvass and compile* the vote, and to continue their sessions until such returns have been compiled, and to promulgate the same.

The foregoing are the principal features of the registration and election law necessary to explain the duties of the board; and in canvassing and compiling the vote, the documents to be submitted to the returning-board as evidence that the forms of the law were complied with in holding and conducting the election, are the following:

First. The list of voters required to be kept by one of the commissioners, to be numbered from one to the end, which at the close of the election was required to be signed and sworn to as correct by the commissioners before the boxes were authorized to be opened.

Second. The statement of the vote of each poll, showing the names of the persons voted for, the office for which they were voted for, and the number of votes received by each, which is required to be signed and sworn to by the commissioners immediately on closing the count at the poll.

Third. The tally-lists of the count at the close of the polls showing the number of votes tallied to each candidate; these are not required to be signed or sworn to.

These documents, together with any other memoranda used in making the count and statement of votes, is required by law to be forwarded by the supervisors of registration to the returning-board to enable them to canvass and compile the vote.

When the returning-officers entered on the discharge of their duties they first took up the parish of Orleans, in which there were one hundred and eighteen polling-places. There being the returns for candidates for a municipal government, two sheriffs, and a great number of minor offices to be canvassed, it was deemed important that the elected candidates should be inducted into office as soon as possible. Immediately on entering into the canvass of the votes in the parish of Orleans, it was discovered that the election had been exceedingly loosely conducted. In not probably a dozen polling-places in the city had all the formalities required by law been complied with. In but a very few cases had the list of voters been kept, or, if kept, returned to the board, and many of those returned had not been signed or sworn to. In many cases the statement of votes showing who had been voted for were not kept, or, if kept, not returned to the board, and in many cases the tally-sheets were not kept, and, if kept, not returned to the board, and in some cases nothing but the unsigned and unsworn to tally-sheets were all that had been returned to the board. Under such circumstances, if the board should decide that a compliance with all the forms of law would be required to enable them to canvass and compile the votes, it was evident there had been no legal election in the parish of Orleans. The board then decided that if any of the formalities required by law had been complied with, even only a tally-sheet unsigned or sworn to was returned to it by the supervisors of registration, they would, in the absence of any proof of fraud, intimidation, or other illegal practice, canvass and compile the vote of such polling-place. Under this ruling of the board the canvass and compilation of the vote of the entire State proceeded. It became the duty of the board to carefully examine the returns from every polling-place in the State, over six hundred and fifty. This was done by the members of the board in person, and it occupied the board from 11 a. m. to 4 p. m. and from 6 to 10 o'clock p. m. of almost every day for a month. During this period much time was taken up by counsel, who were almost every day raising questions and making motions. It is proper here to state that when the board entered on their labors, they permitted each of the political parties to be represented by counsel before the board to make any suggestions or motions they might think proper, and this privilege was liberally availed of by counsel.

The view taken of their duties under the third section of the law, by the board, was, that it was their duty to canvass and compile the votes, at all the polling-places to which there was no protest or objection first, and after this was completed, to take up the polls to which there had been protests or objections, and if it was found that the

vote at such polls would materially change the result of the election, then to examine the evidence and either reject or compile the vote of such polls as the evidence would justify under the law ; this seemed to the board to be a proper construction of this section of the law. This law seems to be unambiguous.

In pursuance to the above construction of the third section of the election-law, the board took up the returns forwarded to them by the supervisors of registration, and as they examined the returns from the polling-places, when they came to one which the counsel of either political party protested as not legal and objected to the compilation of, and offered any evidence to support their objection, such vote was ordered *then* to be compiled, but passed over until after all the polls to which there was no objection were canvassed and compiled. In order that time should be saved and confusion avoided, the clerks employed by the board were ordered, in making up an abstract of the vote of each parish, to make it up by polls, commencing with poll one, and so on ; the polls objected to were entered on these abstracts and carried out before they were passed on or canvassed by the board, so that when the board came to act on them, if admitted, there was no change to make, and if not, they could be stricken out. This was a mere order of proceeding to save time and for convenience.

The objection to this course, made by the democratic counsel, that those polls should have been laid aside without examination, until after the polls not objected to were compiled, for the reason that the board should not know previously what the result was in those polls, finds no warrant in the law, and as the state of all the polls had been advertised in the newspapers it was impossible that the board should not know the state of those polls ; so it was of no practical importance whether they were looked over or not by the board at the time the other polls were canvassed.

It was the opinion of the board that the form of proceeding in regard to ascertaining whether the election had been affected by any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences pointed out in sections three and twenty-six of the election law, were merely directory, and that it was the duty of the board to inquire into any of those acts, when brought to their attention by any satisfactory evidence ; the board was confirmed in this view of their duty by the precedent set by the acts of the returning-board in 1870 and 1872, (the act of 1870 on the subject is the same as the present law,) and this seems to be the reasonable and proper construction of this law. This is a part of the duty of the board in their work of canvassing the vote.

It was found on examining the returns made to the board by the supervisors of registration from the different parishes, that the same omission to comply with the forms of law existed that had been found in the parish of Orleans, and the board applied the same rule.

The protests or objections to the returns from polling-places may all be comprised in the following points :

First. Polls where the forms of law had not been substantially complied with in holding and conducting the election.

Second. Polls where it was charged that the returns of the commissioners of election had been changed or forged.

Third. Where the election at the poll had been affected by riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influence.

Fourth. In parishes or polling-places from which the supervisor of registration had made no returns.

Fifth. Where, from force and violence, the supervisor of registration appointed had been prevented from discharging his duty.

Protests under the above heads had been made to parishes or polling-places in about twenty-eight parishes of the State. The objections made to canvassing and compiling of the votes in the following-named parishes were overruled by the board, as not materially affecting the result, and the vote compiled as returned by the supervisors of registration.

Ascension, objection made by democratic counsel.

Claiborne, objection made by republican counsel.

Catahoula, objection made by republican counsel.

Concordia, objection made by democratic counsel.

Iberville, objection made by democratic counsel.

La Fourche, objection made by republican counsel.

Under the first of the above heads there were no polls rejected, except there was evidence in connection with the informalities that satisfied the board the election had not been a fair, free, and peaceable one at such polls. All those will be found under the third head of protests above stated.

Under the second head of protests above, it was proved to the satisfaction of the board that in the parishes of Saint Helena and Sabine the returns of the commissioners of election had been so changed that the democratic candidates for representatives in those parishes would have been defeated by their republican opponents. The board corrected the returns according to the evidence, and returned the democratic members

elected. Those manipulations did not affect any of the other candidates on the ticket in either of those parishes.

In the parish of Carroll it was established, to the satisfaction of the board, that the returns of the commissioners of election had been changed, manipulated or forged, so as to elect one republican candidate for the State senate over the other; the democratic candidate in this district getting very few votes. The returns in this case were changed to correspond with the evidence. The evidence showed that no other candidate was materially affected by such change, manipulation, or forgery.

Under the third head of protest or objections to compiling certain polls, much evidence was introduced. It was found, very soon after the board commenced its work, that if counsel in each case were permitted to summon witnesses from all parts of the State, and have the testimony taken orally before the board, and argue the cases orally, which was contended for by Mr. Zacharie, the democratic counsel, that the board would not be able to close their labors in time for convening the legislature, and the expense to the State would have been enormous. The board then, upon examining the law and taking a practical view of the subject, decided that the evidence should be taken in the shape of affidavits, and that the arguments of counsel should be in writing. The wisdom of this course is shown in the fact that, by working night and day, almost the entire time, the board did not get through until the 24th of December, and the legislature was to convene on the 4th of January. In order to facilitate the action of the board, it was ruled that after all the protests or objections were in and the evidence filed, the arguments of counsel should be submitted to the board in writing, and the board would then go into executive session to examine the evidence and make their decision. At the suggestion of democratic counsel, as the protests in each parish were taken up, the evidence filed was first submitted to the counsel, to see that all their evidence was present, inasmuch as it had been charged that evidence after it was filed had been abstracted. This course was pursued until after Mr. Arroyo, the democratic member of the board, withdrew on the 22d of December, 1874, two days before the board adjourned. The democratic counsel did not make their appearance afterward to examine the evidence, or for any other purpose. Consequently the evidence in such parishes as were passed on after this time did not pass under the scrutiny of the democratic counsel, but it was no fault of the board, as the opportunity was offered.

We will now proceed to give in detail the decision of the board and an abstract of the evidence on all the cases passed on under this head, where any change was made from the returns of the supervisors. The parishes where no changes were made have been already stated.

ASSUMPTION.

Poll No. 4 of this parish was rejected. The evidence satisfied the board that a considerable number of persons from the adjoining parish of Lafourche voted at this poll. The statement of votes was not signed or sworn to at the close of the count of the votes, as the law directs. The republican commissioners at this poll were coerced to sign the statement of votes the next day, and did so under protest. It was found that there was bribery, fraud, and intimidation at this poll.

AVOYELLES.

In this parish the return of the supervisor of registration, and other evidence, established that there were 397 votes cast at poll No. 12, and that this box contained 150 republican majority. This was conceded by the representative elected by the White Leagues. After the counting of a part of the ballots at this poll, the commissioners ceased for a short time, and proceeded to take some refreshments, and while they were gone the ballot-box was stolen by the white leaguers. The board felt it their duty to count this box at the conceded majority for the republican party. This count returned one white leaguer and one republican.

CADDO.

Polls Nos. 1 to 5 of this parish were thrown out. The proof of intimidation in this parish, and at those polls, was overwhelming, both before and on the day of election. It was proved that for months past, through the White League newspapers of this parish, it was proclaimed that any person who voted the republican ticket should be deprived of employment, and be spotted as an enemy of the people of the State. Agreements not to employ persons who voted the republican ticket, or to rent them land, were extensively signed by the merchants and planters of this parish, and individual threats of expulsion from employment and personal injury for the same reason were reely made.

BIENVILLE.

This parish was entirely rejected. The evidence showed that this parish adjoins the parish of Red River, in which the Coushatta murders took place, and that many of the persons who participated in those murders were from this parish; that soon after these murders and before the 14th of September, 1874, the tax-collector of this parish

was forced to resign by a committee of white leaguers; that colored school-teachers were whipped and driven out of this parish; that the leading republican in this parish was advised, and acted on the advice, not to attempt to organize the party or to vote. There was not a republican vote cast in this parish. That the registration shows that 780 white and 442 colored voters were registered, and the pretended returns from this parish showed 779 votes, nearly the same number of white registered voters. The board were satisfied there was no fair, peaceable, or free election in this parish.

GRANT.

The vote of this parish was thrown out; the evidence satisfied us that the election was entirely irregular in this parish, and that intimidation prevailed at every poll in this parish. The direful effects of the Colfax massacre is so severely and generally felt in this parish that it cannot be said there was a free, fair, and peaceable election at any poll in this parish. This parish is strongly republican.

JACKSON.

Poll No. 4 of this parish was thrown out. The evidence of three reputable witnesses clearly showed that violence and intimidation were used at this poll on the day of election, and that acts calculated to intimidate colored voters were perpetrated in the neighborhood of this box.

LINCOLN.

In this parish, polls 2, 3, and 6 were thrown out. The evidence of fraud and intimidation in this parish was very general. There were the affidavits of a great number of persons that they offered their votes after being registered and were refused the right to vote, and a considerable number were refused registration and had to leave the parish to avoid violence. Threats of depriving persons of employment if they voted the republican ticket was proved to have been generally made. In the month of August, 1874, the white leaguers compelled the republican parish officers to resign, and the clerk of the court was holding under the McEnery commission, and the returns of the supervisor of registration were, accordingly, not certified by the clerk of the court. A careful examination of the polls left us satisfied that at said poll a free, fair, and impartial election had not been had.

NATCHITOCHES.

In this parish polls 5 and 6 were thrown out; the evidence showed a perfect reign of terror in this parish. The republican officials were compelled to resign and flee from the parish. The parish judge was shot at, and intimidation in every shape was practiced. Armed bands of white leaguers paraded over the parish. A careful examination showed that the election at these polls was not free, fair, and peaceable, and that there was great irregularity in conducting the election.

RED RIVER.

In this parish poll 3 was thrown out. This parish was the home of most of the men who were murdered near Coushatta. The evidence of intimidation at this poll was perfectly convincing, and left no doubt that there was not a free, fair, and peaceable election at this poll.

SAINT TAMMANY.

In this parish poll 3 was thrown out. The evidence shows that for poll 3 the statement of votes and tally-sheets were made out at the county-seat, some twenty miles from the place where the election was held, on the day after the election, by a candidate for parish judge, not a commissioner of election, and the names of at least two of the commissioners were written by the same hand; and old citizens and credible witnesses testify they do not know such a man in the parish as one of the named commissioners. The evidence of such irregularity and fraud satisfied the board that this poll should be rejected.

RAPIDES.

Poll No. 1. The White League at this voting-place forced the opposition candidates from the public stand with bowie-knives and revolvers, and would not allow them to address the people, causing such intimidation that none but White League votes were polled at this voting-place, and an illegal return made from this poll or voting-place to the supervisors, the number of votes cast were not set down in figures or writing, as the law requires; for these causes the votes were not counted or compiled.

Polls 2 and 3. Intimidation commenced in the neighborhood of these voting-places on or about the 13th of April, 1873, at the time of the Colfax massacre, and was continuously kept up by the murdering of the colored voters in these neighborhoods to within a short time of the election; and as some six of the candidates for parish officers and a candidate for the legislature were engaged in that massacre, more than two hundred colored voters did not vote at these voting-places, which intimidation was sufficient for not counting and compiling the votes therefrom.

Poll 4. This voting-place is not within the limits of Rapides, but, by a survey of the parish-line, is within the parish of Avoyelles, and the returns properly should have been returned to the supervisor of the parish of Avoyelles.

Poll 5. All the votes at this poll or voting-place were cast for the White League candidates; the republicans, from the constant outrages committed upon them, would not vote, and two-fifths of the votes cast at the poll or voting-place were citizens of the adjoining parish of Avoyelles, and were therefore not entitled to vote. Causes sufficiently legal for the rejection of these returns.

Poll 6. This voting-place is in the same condition as that of poll 5; two-fifths of the votes cast were by citizens of Natchitoches, and who voted also in their parish, (the parish of Natchitoches.) These returns are therefore not received, counted, or compiled.

There was never a greater reign of terror in any country, or in any of the parishes of the State, than that which existed in Rapides Parish since the massacre at Colfax, on the 18th day of April, 1872, to the present time. It became more intensified as time brought near the coming off of the election, the republicans avoiding all political gatherings, and scarcely feeling safe in the public highways passing from neighbor to neighbor.

Maj. W. F. Blackman, a very prominent White League democrat, and one of the editors of the *Caucasian*, a newspaper published in the town of Alexandria, advocated in his speeches during the canvass the murdering of the republican candidates for the legislature, and other white citizens of the parish, advising prompt action, and putting his plans in execution, and offering to lead the mob and carry out his proposition.

George W. Stafford, a co-editor with Blackman, of the same newspaper, and a candidate for the legislature in said parish, also advocated the murdering of prominent republicans of the parish.

Threats of discharging colored men from employment, unless they voted the White League ticket, were made and fully carried out after the election.

Adding to these continued threats, the colored republicans were reminded that sixteen of their colored friends had, since the massacre at Colfax, been murdered, three of whom for political causes, and that no one had been punished for these crimes, because without the sanction of the White League no mandate of courts could be executed, and, unless they voted with the White League, they would be driven from the country. They were further reminded that six of their (the White League) candidates for parish offices participated in the massacre, and the seventh had, with a mob, in 1868, taken from the jail in the town of Opelousas, in the night-time, eighteen republicans and murdered them, and that no one for these many murders had been punished.

Following up these intimidations, the White League, a few days after the riot in New Orleans on the 14th of last September, took forcible possession of the parish offices, and continued in possession of them until after the election, and retained them until it became necessary for the certificate or the legally constituted clerk of the court to be affixed to the returns of election. This officer was restored to his office on the 5th day of November, three days after the election, when the election-returns were attested.

The provisions of the law require that the certificate of the clerk of the court must be had to the returns twenty-four hours after the election. The returns of the parish were not certified to by the clerk of the court until the third day after the election, which invalidated the election in this parish, and but for this wanton outrage committed by the White League in keeping and arranging the count to elect their candidates, contrary to the known will of a majority of over five hundred voters, the returning-board would have declared the entire election void; but being unwilling to do an injustice by defeating the honest will of the people of the parish, they concluded not to count or compile the votes from voting-places where most wanton wrongs were committed. The president of the returning-board has his home in this parish, and has lived there sixty-seven years, and remained at his home until the 29th of October, three days prior to the election.

Having witnessed the canvass and being fully informed as to all the facts here cited, fully warrants the conclusion of the returning-board in rejecting the votes received from six of the voting-places in this parish.

Under the fourth head of objections to parishes or polling-places being canvassed and compiled, it was found that the supervisor of registration for the parish of De Soto had made no return of the election in this parish to the board. It is proper to remark that the first supervisor of registration, appointed for this parish, was one of the men murdered at the Coushatta massacre. There is no officer authorized to make the returns of election to the board, except the supervisor of registration. It is to him that the list of voters and tally-sheets are to be delivered, and by him transmitted to the board, as well as the statement of votes and condensed statement of the votes of the parish. Coming through him, the legal officer, it carries with it that all the other forms of law have been complied with, and leaves the board only to canvass and compile the votes. In this case, the clerk of the court of that parish offered to produce to the board the duplicate statement of votes, said to be furnished him by

the commissioners of election, also tally-sheets; but in order to verify those documents as genuine, and such as ought to have been produced by the supervisor, it would be necessary for the board to go into evidence on the subject.

It was stated to the board, during the canvass and compilation of the votes, that the democratic counsels in attendance on the board had had the supervisor of registration of the parish of De Soto arrested and brought before United States Commissioner Craig, on the charge of concealing the returns of that parish from the board. It was also stated that the supervisor had the returns with him when brought before the commissioner, but that he was discharged by the commissioner, on some compromise made with him by the democratic counsel. There was no evidence before the board that a prostitute had the returns, and was offering them for sale. Such thing was casually stated to the board, but not as evidence, and was not reduced to writing, and was not considered by the board as anything more than a passing remark. Not being a court of general jurisdiction, it was the opinion of the board that it could not verify and act on such documents, and declined to receive and act on them. The counsel for the democratic committee applied to the proper court for a mandamus to compel the board to receive such evidence of the election, and canvass and compile the votes therefrom; but after pleadings and full arguments of counsel, the court refused the mandamus. This decision of the court sustaining the position taken by the board, the board, in other cases where the supervisors of registration had failed to make returns of any poll, held that the default could not be supplied, and that if any party should be injured by it, they would have their legal recourse, as the law is understood to afford ample relief in such cases.

In the case of Terrebonne Parish, the supervisor of registration is charged to have failed to make returns from four of the voting-places in that parish, said to be polls 3, 5, 10, and 11. The board had no returns from those polls on which to base a canvass and compilation, and, on the principle held in the De Soto Parish case, declined to receive other evidence. The board cannot be responsible for the wrongful acts of the supervisors of registration over whom they have no control, nor are they authorized by law to canvass and compile the vote of any parish or poll on the *ex parte* statements of clerks of courts, or other officers or persons. Except that which is regularly furnished by the supervisor of registration, the board is not a court of general jurisdiction, but have their duties and powers marked out by law.

From Iberia Parish the supervisor of registration made no return from what is said to be poll No. 1. Papers were produced by interested parties, said to have been the statement of the election at this poll, but on the principle laid down in the De Soto case, sustained by the court, the board could not canvass or compile poll No. 1, except it was properly returned. To show intimidation at poll No. 1 a number of affidavits were offered, but as the board could not canvass it for the foregoing reason, the affidavits were not received; hence there are no affidavits in regard to this parish filed.

Under the fifth head of the protests and objections, as above stated, comes the parish of Winn. The evidence showed that James P. Reidheimer, resident of that parish, had been appointed supervisor of registration for the parish by Governor Kellogg on the 7th day of August, 1874, but that by letter to Governor Kellogg he had resigned, or rather refused to accept the appointment, and had failed to qualify. Afterward Governor Kellogg appointed C. S. Randall to this office, who qualified and went forward to discharge the duties of the office. Upon applying for the papers and blanks which had been forwarded to Reidheimer when he was appointed, he refused to deliver them to Randall, who was then threatened with death if he did not leave the parish. Whereupon he left the parish subsequently, without any notice to Governor Kellogg. Reidheimer proceeded to make a registration under which the election was held, and he, Reidheimer, made return to the board, of said election.

The board also had before them the certificate of the secretary of state, showing that C. S. Randall was the legally appointed supervisor of the parish.

It was, from this evidence, the opinion of the board that there had been no legal registration of the voters of the parish, without which there could be no legal election, and that the unlawful act of Reidheimer in not turning over to Randall the books and blanks to enable him to make a legal registration, and the violent acts of the citizens in ordering Randall away from the parish on pain of death, made it the duty of the board to reject the pretended returns and vote of this parish, leaving to the house of representatives, when organized, the duty of deciding whether representatives had been legally elected, and to the courts to decide whether parish officers had been legally elected, as the decision of the board is by law only *prima facie* evidence.

In the course of the examination of the evidence filed with the board on the subject of violence and intimidation at and before the election, the board became satisfied that the organization known as the White League extended to every parish in the State, and permeated every neighborhood; that it was an armed organization, and in many cases, as in Orleans, Saint Martin, Caddo, Natchitoches, De Soto, Bienville, Rapides, Lincoln, and perhaps other parishes, it was a regular military organization, well armed; and that the purposes of the organization were—

First. To prevent the organization of the republican party, with a view to the election in November, 1874, by intimidating the leaders of the party, both white and colored, by threats of death or personal violence if they attempted it.

Second. To force the republicans to vote the democratic ticket or to abstain from voting, by threats of social ostracism and personal violence to the whites, and to the colored that they would be discharged from employment; land would not be rented to them, and that they would be turned out of their houses, as well as personal violence.

Third. To overthrow the Kellogg government in the State by forcing the district and parish officers, holding under this government, to abdicate their offices, leave the State, or be murdered, as in the parishes of Red River, Caddo, De Soto, Bienville, Lincoln, Saint Martin, Richland, Natchitoches, and other parishes, where the offices were held by republicans. In some parishes the parish offices are held by democrats; no attempt was made to compel them to abdicate, and finally driving the governor from his office, as on the 14th of September. Many offices are now forcibly held in the State by white leaguers holding commissions from McEnery.

The board was satisfied this White League organization had a general effect in producing intimidation on the republican voters throughout the State, and, in almost every parish, in lessening their aggregate vote; and in many parishes they had such absolute control that the republicans did not dare to vote, such as in Bienville, Sabine, De Soto, and Vernon, where the republican candidates received no votes, or, in all of them, less than ten. In many other parishes great numbers of republicans were intimidated, and either voted the democratic ticket or abstained from voting. In fact, the election in the Red River parishes, and the parishes between the Red and Ouachita Rivers, and on the Teche, was almost a farce.

So completely were the republicans intimidated in these parishes, that the board is thoroughly satisfied if a rigid scrutiny could be instituted into the subject it would be found the republican vote at almost every polling-place in these parishes had been materially affected.

The acts of personal violence at Coushatta in murdering the office-holders, in the parish of Caddo, on the day of election, of murdering colored men on their way to the election to deter others from going, and in shooting colored men at the polls, and other acts of violence to effect intimidation. Great numbers of republicans are now in Orleans, fugitives from their homes in the parishes, and afraid to return on account of threats against their lives, for no other reason than that they are active republicans.

It is proper further to call attention to the fact that in the White League papers, and in public places, and on the streets, before the board met and during the whole time it was in session, threats were freely and publicly made, that if the board did not return the persons elected claimed by the white leaguers to have been elected, they deserved death and would be killed, and that during the session of the board some of the members of the board received anonymous communications to the above effect, and the friends of the members of the board, some of whom were democrats, cautioned the members of the board and the republican counsel in attendance on the board, to guard themselves from assassination, and advised them not to let it be known where they slept, to avoid assassination.

At one time during the session of the board, a noted desperado, whom the board has been credibly informed was sent for from the country, intruded himself into the room when the board was in session and seated himself by the president, and in an impertinent manner and in insulting language demanded of the president of the board "what he meant to do in regard to the returns?" Upon the intruder being ejected from the room he again attempted to enter it, when the police arrested him; and as they did so and were carrying him from the door, the democratic member of the board jumped from his seat and followed, as also did the democratic counsel then in attendance on the board. As one of the counsel (Mr. Zacharie) was leaving the room he exclaimed, "Let's protect him." This was an evident attempt to do violence to the board.

On the 20th December, four days before the adjournment of the board, while the president of the board was dining at his usual place at one of the principal hotels in the city, two persons, unknown to the proprietor of the house, and strangers in the city, attempted to assassinate the president of the board, and would have succeeded but for the timely interference of gentlemen opposed to the inaugurated system of assassination by the White League.

All of which is respectfully submitted.

J. MADISON WELLS,
President of Returning-Board.
 THOMAS C. ANDERSON.
 LOUIS M. KENNER.
 G. CASANAVE.

EXHIBIT P.—*Compiled returns of fifth congressional district.*

OFFICIAL.

Compiled returns of an election held in the fifth congressional district, State of Louisiana, under a writ of election dated September 10, 1874, on the second day of November, A. D. 1874, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning officers, and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives, and to enforce article one hundred and three of the constitution approved November 20, A. D. 1872, to wit:

FIFTH CONGRESSIONAL DISTRICT.

Parishes.	Frank Morey.	W. B. Spencer.
Concordia.....	1,601	489
Franklin.....	80	485
Tensas.....	1,097	1,851
Madison.....	1,319	759
Richland.....	441	734
Ouachita.....	1,702	759
Jackson.....	94	534
Lincoln.....	514	590
Union.....	439	1,155
Morehouse.....	1,005	668
Claiborne.....	663	1,375
Catahoula.....	742	838
Carroll.....	2,181	261
Caldwell.....	401	540
Total.....	12,279	11,038

We, the undersigned returning-officers, pursuant to authority vested in us by act No. 99, approved November 20, 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for members of Congress held on the 2d day of November, A. D. 1874, under a writ of election promulgated September 10, A. D. 1874, ordering same, and we hereby declare that the following-named person was duly and lawfully elected, to wit:

For member of Congress, fifth congressional district, Frank Morey.

J. MADISON WELLS.
THOMAS C. ANDERSON.
G. CASANAVE.
LOUIS M. KENNER.

EXHIBIT R.—*Extracts from platform of democracy.*

That W. P. Kellogg is a mere usurper, and we denounce him as such; that his government is arbitrary, unjust, and oppressive, and that it can maintain itself only through Federal interference; that the election and registration laws under which this election is being conducted were intended to perpetuate the usurpation by depriving the people, and especially our naturalized citizens, of an opportunity to register and vote; but we announce distinctly that it is the determination of the people to have a fair and free election, and to see that the result is not changed by fraud or violence.

That we extend to all of our race, in every clime, the right hand of fellowship, and a cordial invitation to come and settle among us and unite their destinies with ours. That while we are in favor of meeting punctually the payment of the legitimate debt of Louisiana, we are immovably opposed to the recognition of the dishonest and fraudulent obligations issued in the name of the State, and we pledge ourselves to make a searching investigation in the matter.

We advise our people to vote against the amendments to the constitution proposed by the usurping legislature, and pledge ourselves, on the restoration of the government to honest hands, to provide for the payment of all honest indebtedness of the State.

EXHIBIT S.—Comparative statement of registration and election in 1872 and 1874.

Parishes.	Registration of 1874.		Votes of 1874.		Registration of 1872.		Votes of 1872, Lynch returns.		Votes of 1872, Formal returns.	
	White.	Colored.	Democratic.	Republican.	White.	Colored.	Democratic.	Republican.	Democratic.	Republican.
Ascension	984	2,073	859	1,950	1,148	3,296	666	1,840	666	1
Assumption	1,693	1,800	1,498	1,539	2,207	2,176	1,276	1,912	1,730	1
Avoyelles	1,508	1,520	1,363	1,428	2,139	2,188	1,286	1,885	1,813	1
Baton Rouge, East..	1,595	2,879	1,556	2,546	1,489	1,559	917	2,459	1,644	1
Baton Rouge, West	352	875	313	805	397	859	287	900	732	
Bossier	622	1,753	1,020	1,077	587	1,795	.....	1,159	953	
Bienville	784	442	778	.....	916	715	872	428	959	
Caddo	1,724	2,950	1,211	1,343	1,549	3,134	627	1,238	1,817	1
Calcasieu	1,173	245	1,172	6	702	166	548	96	610	
Caldwell	556	460	541	400	541	586	486	369	486	
Cameron	275	48	203	47	263	31	176	40	176	
Carroll	444	2,086	235	2,202	572	2,073	382	1,452	388	1
Claiborne	1,316	1,009	1,374	659	1,373	1,203	1,357	942	1,357	
Catahoula	965	805	840	736	1,065	992	678	878	382	
Concordia	176	2,377	154	2,043	307	2,577	186	1,671	165	1
De Soto	1,034	1,036	.....	.....	1,004	1,403	790	1,022	1,450	
Felician, East	855	1,891	847	1,688	1,100	2,351	653	1,619	653	1
Felician, West	439	1,624	501	1,358	521	2,084	273	1,309	320	1
Franklin	445	270	457	114	522	507	535	268	543	
Grant	453	444	.....	.....	616	733	165	779	514	
Iberia	1,246	1,363	939	923	1,140	1,241	616	965	(*)	
Iberville	805	2,343	770	2,167	740	3,296	691	2,239	(*)	
Jefferson, L. B	159	730	169	639	1,396	2,866	970	1,732	962	1
Jefferson, R. B	556	1,921	575	1,011						
Jackson	453	274	261	37	1,101	822	446	610	312	
La Fayette	1,003	730	976	530	1,115	897	824	482	892	
Livingston	783	158	684	105	(†)	(†)	553	146	543	
La Fourche	2,026	1,873	1,905	1,846	2,407	4,709	1,697	1,792	1,773	1
Lincoln	935	707	592	517	.....	.....	.....	.....	.....
Madison	255	2,135	233	1,847	2,007	3,725	305	1,756	838	1
Morehouse	660	1,221	654	1,017	1,339	2,035	625	1,262	673	
Natchitoches	1,383	2,283	1,259	1,574	1,517	1,833	.....	1,206	1,250	
Ouachita	826	1,819	766	1,694	970	2,311	606	1,441	758	1
Orleans	28,415	18,374	26,204	13,162	34,501	20,381	20,537	14,043	22,905	13
Plaquemines	769	1,920	668	1,685	673	1,699	460	2,163	467	1
Point Coupee	731	2,319	639	1,990	1,039	2,807	1,092	1,454	1,142	1
Rapides	1,331	2,079	1,027	1,137	1,719	1,629	1,049	1,920	1,960	1
Red River	352	915	146	702	441	966	362	913	353	
Richland	714	618	734	440	599	644	646	218	919	
Sabine	692	227	762	2	711	151	789	62	789	
Saint Bernard	350	610	271	607	500	570	260	469	412	
Saint Charles	263	1,413	278	1,268	300	1,850	119	1,231	141	1
Saint Helena	625	573	622	536	(†)	(†)	437	541	703	
Saint James	770	2,370	760	1,863	703	2,129	657	1,852	(*)	
Saint John Baptist ..	669	1,304	627	1,216	817	1,720	538	1,167	533	1
Saint Landry	3,109	2,863	3,517	1,634	3,718	3,641	2,347	1,890	2,922	1
Saint Mary	1,050	2,541	1,050	2,148	1,117	1,941	739	1,667	1,239	1
Saint Martin	980	936	921	704	1,035	926	670	718	(*)	(
Saint Tammany	669	644	561	581	624	700	111	112	(*)	(
Tangipahoa	890	669	859	456	917	613	614	769	773	
Tensas	353	3,166	243	2,865	368	3,146	166	2,275	182	2
Terre Bonne	1,227	1,882	891	1,168	1,201	1,608	1,407	1,593	(*)	(
Union	1,190	633	1,161	432	1,788	872	460	489	1,418	
Vernon	744	61	712	.....	717	79	112	39	690	
Vermillion	886	258	692	228	828	282	256	228	676	
Washington	512	156	457	125	543	168	194	176	453	
Webster	880	883	856	749	854	862	377	824	977	
Winn	628	98	.....	.....	755	135	127	102	575	

* Polls excluded.

† No reports received or known to exist.

Difference between the provisions of the registration act of 1870 and that of 1874

1. The State registrar, under act of 1870, section 1, is supervisor of registration the parish of Orleans; this is dropped by section 1 of act of 1874.

2. The thirteenth section of the act of 1874 provides: "That no supervisor of registration appointed under this act, and no clerk of such supervisor of registration, shall be eligible for any office at any election when said officers officiate;" the corresponding section of the act of 1870, section 14, does not contain this clause, nor does any other provision of the act of 1870. Supervisors of registration under this act often count themselves into office.

3. That portion of section 20 of the act of 1874, which is the same as section 22 of the act of 1870, which authorizes the supervisors of registration to go behind the certificate of naturalization, is held by Attorney-General A. P. Field to be unconstitutional, and the supervisors are directed to disregard it, holding that the certificate of naturalization is full evidence of the fact of citizenship.

4. Section 24 of the act of 1874 provides there shall be established not less than three nor more than twelve places of registration in each parish besides the court-house. Section 26 of act of 1870 did not absolutely require the establishment of any place except the court-house; it merely permitted the establishment of not more than five, except the court-house. Under this the fusionists in 1872, in many parishes, did not fix enough polling-places or registration-places.

5. Section 33 of act of 1870, the same as section 31 of the act of 1874, was decided by the district court to be unconstitutional so far as it limited the jurisdiction of the courts to interfere with the order or decisions of the supervisors of registration.

EXHIBIT 24.—Officially compiled returns of fifth congressional district of returning-board.

Compiled returns of an election held in the fifth congressional district, State of Louisiana, under a writ of election dated September, 1874, on the 2d day of November, A. D. 1874, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning-officers, and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives; and to enforce article one hundred and three of the constitution, approved November 20, A. D. 1872, to wit:

FIFTH CONGRESSIONAL DISTRICT.

Parishes of—	Frank Morey.	W. B. Spencer.
Concordia.....	1,601	489
Franklin.....	80	485
Tensas.....	1,097	1,851
Madison.....	1,319	759
Richland.....	441	734
Ouachita.....	1,702	759
Jackson.....	94	534
Lincoln.....	514	590
Union.....	439	1,155
Morehouse.....	1,005	668
Claiborne.....	663	1,375
Catahoula.....	742	838
Carroll.....	2,181	261
Caldwell.....	401	540
	12,279	11,038

CERTIFICATE.

We, the undersigned returning-officers, pursuant to authority vested in us by act No. 98, approved November 20, A. D. 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for members of Congress held on the 2d day of November, A. D. 1874, under a writ of election promulgated September 10, 1874, ordering same.

And we hereby declare that the following-named persons were duly and lawfully elected members of Congress:

Fifth congressional district: Frank Morey.

J. MADISON WELLS.
THOS. C. ANDERSON.
LEWIS M. KENNER.
G. CASANAVE.

OFFICE SECRETARY OF STATE,
New Orleans, La., March 27, 1875.

I certify that this is a correct transcript of so much of the compiled returns as relates to the votes cast for Congressmen at the election held November 2, 1874, filed in my office by the board of returning-officers.

N. DURAND,
Assistant Secretary of State.

EXHIBIT 26.—Officially compiled returns of the parish of Carroll by returning-board.

OFFICIAL.

Compiled returns of an election held in the parish of Carroll, State of Louisiana, on the second day of November, A. D. 1874, under a writ of election dated the tenth day of September, A. D. 1874, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and maintain the freedom and purity of elections, to prescribe the mode of making returns thereof; to provide for the election of returning-officers and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives; and to enforce article one hundred and three of the constitution, approved November 20th, A. D. 1872, to wit:

Number of wards.	For 44th Congress, 3th district.		For State treasurer.		Relative to the issue of consolidated bonds.		Reducing and limiting the State debt to fifteen million dollars, and limiting taxation.		Devoting annual revenues of the State to the expenses of the same year.		Relative to limiting the debt of New Orleans.		Amendment to article seventeen relative to the day of electing representatives.	
	Frank Morey.	W. B. Spencer.	A. Dubuclet.	J. C. Moncur.	For approval.	Against approval.	For approval.	Against approval.	For approval.	Against approval.	For amendment.	Against amendment.	For amendment.	Against amendment.
1	645	83	847	31	662	6	662	6	662	6	662	6	662	6
2	719	46	717	53	733	31	733	31	733	31	733	31	733	31
3	554	7	558	3	559	4	559	4	559	4	559	4	559	4
4	167	74	189	52	177	52	177	52	177	52	177	52	176	52
5	96	108	91	106	97	101	97	101	97	101	97	101	97	101
	2,181	961	2,209	235	2,228	194	2,228	194	2,228	194	2,228	194	2,227	194

We, the undersigned returning-officers, pursuant to authority vested in us by act No. 98, approved November 20th, 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for members of the house of representatives and parochial officers, held on the second day of November, A. D. 1874, under a writ of election promulgated on the tenth day of September, A. D. 1874, ordering same, and we hereby declare that the following-named persons were duly and lawfully elected, to wit:

(Signed)

J. MADISON WELLS.
THOS. C. ANDERSON.
LOUIS M. KENNER.
G. CASANAVE.

OFFICE SECRETARY OF STATE,
New Orleans, La., April 7th, 1875.

I certify that the foregoing is a true and correct transcript of the original document filed in my office by the board of returning-officers of the State of Louisiana, so far as relates to votes cast for State treasurer, Congressmen, and the constitutional amendments.

[SEAL.]

N. DURAND,
Assistant Secretary of State.

EXHIBIT 27.—Statement of votes cast at poll No. 1, parish of Carroll.

Statement of votes cast at poll No. 1 of election precinct No. 1 of the parish of Carroll for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
Stoine Dubuclet.....	State treasurer	Six hundred and forty-seven.
C. Moncure	State treasurer	Twenty-one.
ank Morey	Congress, 5th district ..	Six hundred and forty-five.
. B. Spencer	Congress, 5th district ..	Twenty-three.

PROPOSED AMENDMENTS TO CONSTITUTION.

ction 1.....	For approval	Six hundred and sixty-two.
	Against approval	Six.
ction 2.....	For approval	Six hundred and sixty-two.
	Against approval	Six.
ction 3.....	For approval	Six hundred and sixty-two.
	Against approval	Six.
ction 4.....	For approval	Six hundred and sixty-two.
	Against approval	Six.
ction 5.....	For approval	Six hundred and sixty-two.
	Against approval	Six.

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
18, (six hundred and sixty-eight.)		

STATE OF LOUISIANA, Parish of Carroll :

Personally appeared before me, the undersigned authority, T. B. Rhodes, E. M. Spann, David Jackson, duly appointed and qualified commissioners of election of poll No. 1, election precinct of the parish of Carroll, for the general election held November 2, 1874, who, being duly sworn, deposes and says that they received the ballots cast at the said poll on the day above mentioned ; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

T. B. RHODES,
E. M. SPANN,
DAVID JACKSON,

Commissioners of Election, Poll No. —, Parish of —.

Sworn and subscribed to before me this 4th day of November, A. D. 1874.

S. T. AUSTIN, JR.,
Justice of the Peace, Second Ward, Parish of Carroll, Louisiana.

OFFICE OF SECRETARY OF STATE OF LOUISIANA,
New Orleans, April 6, 1875.

I certify the foregoing to be a true and correct transcript of so much of the original document filed in my office by the board of returning-officers of the State of Louisiana as relates to the votes cast for State treasurer, Congressman, and the constitutional amendments.

[SEAL.]

N. DURAND,
Assistant Secretary of State.

EXHIBIT 28.—Statement of votes cast at poll No. 2, parish of Carroll.

Statement of votes cast at poll No. 2, of election-precinct No. —, of the parish of Carroll, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet.....	State treasurer	717
J. C. Moncure	do.....	53
Frank Morey.....	Congress, 5th district	719
W. B. Spencer	do.....	49

First proposed amendment, for approval.....	733
Second proposed amendment, for approval.....	733
Third proposed amendment, for approval.....	733
Fourth proposed amendment, for approval.....	733
Fifth proposed amendment, for approval.....	733
First proposed amendment, against approval.....	31
Second proposed amendment, against approval.....	31
Third proposed amendment, against approval.....	31
Fourth proposed amendment, against approval.....	31
Fifth proposed amendment, against approval.....	31

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
770, (seven hundred and seventy).....	None.....	

STATE OF LOUISIANA, Parish of ——— :

Personally appeared before me, the undersigned authority, Thomas F. Montgomery, Samuel L. Murray, and W. W. Benham, duly appointed and qualified commissioners of election of poll No. 2, election-precinct of the parish of Carroll, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

W. W. BENHAM,
TOM F. MONTGOMERY,
SAM. L. MURRAY,
Commissioners of Election Poll No. 2, Parish of Carroll, La.

Sworn to and subscribed to before me this 4th day of November, A. D. 1874.
S. T. AUSTIN, JR.,
Justice of the Peace, Second Ward, Parish of Carroll, La.

OFFICE OF THE SECRETARY OF STATE,
New Orleans, April 6, 1875.

I certify the foregoing to be a true and correct transcript of so much of the original document filed in my office by the board of returning-officers of the State of Louisiana as relates to the votes cast for State treasurer, Congressman, and the constitution amendments.

[SEAL.]

N. DURAND,
Assistant Secretary of State.

EXHIBIT 29.—Statement of votes cast at poll No. 3, parish of Carroll.

nt of votes cast at poll No. 3, of election precinct No. 3, of the parish of Carroll, embers of Congress, State and parish officers, at the general election held nber 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
Dubuclet.....	State treasurer.....	558
Moncure	" ".....	3
Morey	Congress, 5th district..	554
Spencer	" ".....	7
Proposed amendment to constitution	For approval.....	559
" " " ".....	Against ".....	4
" " " ".....	For ".....	559
" " " ".....	Against ".....	4
" " " ".....	For ".....	559
" " " ".....	Against ".....	4
" " " ".....	For ".....	559
" " " ".....	Against ".....	4
" " " ".....	For ".....	559
" " " ".....	Against ".....	4

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
Five hundred and sixty- three)	None	

OF LOUISIANA, Parish of Carroll :

onally appeared before me, the undersigned authority, R. M. Bagley, R. K. Ander-
son, duly appointed and qualified commissioners of election of poll No.
tion precinct of the parish of Carroll, for the general election held November 2,
who, being duly sworn, depose and say that they received the ballots cast at
id poll on the day above mentioned ; that they have made a true and lawful count
i ballots, and that the foregoing in a true and correct statement of the votes cast
d poll on said day.

rn and subscribed to before me this 3d day of November, A. D. 1874.
R. M. BAGLEY,
R. K. ANDERSON,
DUF. ANDERSON,
Commissioners of Election, Poll No. 3, Parish of Carroll.

orn and subscribed to before me this 3d day of November, A. D. 1874.
S. T. AUSTIN, JR.,
Justice of the Peace, 2d Ward, Parish of Carroll, Louisiana.

OFFICE SECRETARY OF STATE,
New Orleans, April 6, 1875.

rtify the foregoing to be a true and correct transcript of the original document
in my office by the board of returning-officers of the State of Louisiana, so far as
me relates to the votes cast for State treasurer, Congressman, and constitutional
ments.

IAL.]
M. DURAND,
Assistant Secretary of State.

EXHIBIT 30.—Statement of votes cast at poll No. 4, parish of Carroll.

Statement of votes cast at poll No. —, of election precinct No. —, of the parish of Carroll, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
Antoine Dubuclet.....	State treasurer.....	189, (one hundred & eighty-nine.)
J. C. Moucure	" "	52, (fifty-two.)
Frank Morey	For Congress.....	167, (one hundred & sixty-seven.)
W. B. Spencer	"	74, (seventy-four.)
Constitutional am'd.....	For it:	
1 "	"	177, (one hundred & seventy-seven.)
2 "	"	177, (one hundred & seventy-seven.)
3 "	"	177, (one hundred & seventy-seven.)
4 "	"	177, (one hundred & seventy-seven.)
5 "	"	176, (one hundred & seventy-six.)
Constitutional am'dments	Against:	
1 "	"	52, (fifty-two.)
2 "	"	52, (fifty-two.)
3 "	"	52, (fifty-two.)
4 "	"	52, (fifty-two.)
5 "	"	53, (fifty-three.)

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
241, (two hundred and forty-one.)	None.....	There was no intimidation or threats of any kind.

STATE OF LOUISIANA, Parish of Carroll:

Personally appeared before me, the undersigned authority, James S. Milliken, J. M. Gaddis, and George D. Price, duly appointed and qualified commissioners of election of poll No. election-precinct, of the parish of for the general election held November 2, 1874, who, being duly sworn, depose and say: That they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 3d day of November, A. D. 1874.
MERRILL JACKSON, J. P.

J. S. MILLIKEN,
G. D. PRICE,
J. M. GADDIS,
Commissioners of Election, Poll No. 4, Parish of Carroll.

OFFICE OF THE SECRETARY OF STATE,
New Orleans, April 6, 1875.

I certify that the foregoing is a true copy of the original document filed in my office by the board of returning-officers of the State of Louisiana, so far as relates to the votes cast for State treasurer, Congressman, and the constitutional amendments.

[SEAL.]
N. DURAND,
Assistant Secretary of State.

EXHIBIT 31.—Statement of votes cast at poll No. 5, parish of Carroll.

Statement of votes cast at poll No. 5, of election-precinct No. 5, of the parish of Carroll, for members of Congress, State and parish officers, at the general election, held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet.....	.....	91
John C. Moncure.....	.....	106
Frank Morey.....	.....	96
W. B. Spencer.....	.....	108
First amendment to constitution.....	For approval.....	97
" " " ".....	Against ".....	101
Second " " " ".....	For ".....	97
" " " ".....	Against ".....	101
Third " " " ".....	For ".....	97
" " " ".....	Against ".....	101
Fourth " " " ".....	For ".....	97
" " " ".....	Against ".....	101
Fifth " " " ".....	For ".....	97
" " " ".....	Against ".....	101

Statement of votes.—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
216 (two hundred & sixteen.)	Not any.	

STATE OF LOUISIANA, Parish of Carroll :

Personally appeared before me, the undersigned authority, O. H. Tillory, C. A. Lehman, and W. J. Osborn, duly appointed and qualified commissioners of election of poll No. 5, election-precinct of the parish of Carroll, for the general election held November 2, 1874, who, being duly sworn, deposes and says: That they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 4th day of November, A. D. 1874.

O. H. TILLORY,
C. A. LEHMAN,
W. J. OSBORN,

Commissioners of Election, Poll No. 5, Parish of Carroll.

Sworn and subscribed to before me this 4th day of November, A. D. 1874.

S. I. AUSTIN, JR.,
Justice of the Peace, Second Ward, Parish of Carroll, La.

OFFICE OF SECRETARY OF STATE,
New Orleans, April 6, 1875.

I certify the foregoing to be a true copy of so much of the original document filed in my office by the board of returning-officers of the State of Louisiana, as relates to the votes cast for State treasurer, Congressman, and the constitutional amendments.

[SEAL.]

N. DURAND,
Assistant Secretary of State.

EXHIBIT 32.—Affidavit of E. M. Spann.**STATE OF LOUISIANA, Parish of Carroll :**

Personally appeared before the undersigned authority, Eldridge M. Spann, who, being duly sworn, says: That he acted as commissioner of election for ward No. one in

said parish and State at the election on the 2d day of November, A. D. 1874; after the ballots were counted and the tally-sheets made out they showed the following vote received by the candidates for State treasurer, Congress, 5th dist., State senator and representatives, to wit:

For State treasurer.—Antoine Dubuclet received 580 votes; John C. Moncure received 21 votes.

For Congress.—Frank Morey received 569 votes; Wm. B. Spencer received 33 votes.

For State senator.—Jacques A. Gla received 196 votes; George C. Benham received 7 votes; J. Harvey Brigham received 7 votes.

For representatives.—Cain Sartain received 404 votes; P. Jones York received 200 votes; J. Ed. Burton received 200 votes; Henry Atkins received 191 votes.

And if the tally-sheets now in the hands of the State returning-board show a different result, they have been altered since I signed the same.

E. M. SPAN

Sworn to and subscribed before me this 23d day of November, A. D. 1874.
Said before Raymond Gilbert, J. P., ward No. 1.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, March 19th, 1875

I hereby certify that the foregoing is a true copy of the original on file in this office.
[SEAL.] P. G. DESLONDE,
Secretary of State

EXHIBIT 33.—Affidavit of T. D. McCandless.

STATE OF LOUISIANA, Parish of Carroll:

Personally appeared before me, the undersigned, justice of the peace in and for 4th ward of said parish and State, duly commissioned and sworn, Thomas D. McCandless, a resident of said parish and State, who, after being duly sworn, deposed and said that, on the 2d day of November, A. D. 1874, he acted under appointment from Wm. Blount as deputy supervisor of election which was held on that day, at the town of Floyd, in said parish and State; that at an early hour in the morning of that day commissioners of election, to wit, James I. Milliken, Dr. John M. Gaddis, and George Pride were sworn in as such, by Walter T. C. Anderson, a citizen of the aforesaid parish and State; that the election was an exceedingly quiet one; that at the hour the polls were closed; that after about fifteen minutes' recess said commission proceeded to count the vote in the same room where the election had been held, the following results, to wit:

State treasurer.—Dubuclet, 155 votes; Moncure, 75 votes.

Congress, 5th dist.—Morey, 155 votes; Spencer, 75 votes.

State senate.—Benham, 111 votes; Brigham, 60 votes; Gla, 56 votes.

That there was one (1) vote more, as shown per the tally-sheets, than the list of votes polled; that after the counting was declared at an end and completed, the box containing the votes was taken charge of by Milliken, commissioner, and conducted him to the back room of a store in the town of Floyd, (which he had formerly occupied as a sleeping-room,) for safe-keeping, and in which room deponent saw said box last time; learned next morning, (Nov. 3,) that said Milliken, with others, had carried it to the town of Lake Providence; that he knows nothing, of his own knowledge concerning the vote or election at other boxes or precincts than at the town of Floyd; but that he is in possession of the exact vote as polled at the town of Floyd for each and every office that was to have an officer elected on said 2d of November to fill, and deems it unnecessary to give the result further than he has in this affidavit.

T. D. McCANDLES

Sworn to and subscribed before me on this the 26th day of November, A. D. 1874

his
MERRILL + JACKSON,
mark.
Justice of the Peace

Attest:

W. A. HEDRICK.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, March 19th, 1875

I hereby certify that the foregoing is a true copy of the original on file in this office.
[SEAL.] P. G. DESLONDE,
Secretary of State

EXHIBIT 34.—*Affidavit of Richard Dickerson.*STATE OF LOUISIANA, *Parish of Carroll:*

Personally appeared before the undersigned authority, Richard Dickerson, who, being duly sworn, says that he acted as United States deputy supervisor at precinct No. 5, at Oak Grove, said parish and State, on the day of the election, Monday, 2d day of November, 1874; that he saw the ballots counted, and the tally-sheets, after being made up, showed that—

For State treasurer.—John C. Moncure received 106 votes; Antoine Dubuclet received 91 votes.

For Congress.—Wm. B. Spencer received 108 votes; Frank Morey received 96 votes.

For State senator.—Jaques A. Gla received 129 votes; J. Henry Brigham received 33 votes; Geo. C. Benham received 41 votes.

For representatives.—J. Ed. Burton received 133 votes; Henry Atkins received 127 votes; P. Jones York received 65 votes; Cain Sartain received 36 votes.

That the above was a true and correct count of the vote cast for said candidates, as made out and signed by the commissioners, and I signed the same with them; and if the tally-sheets returned to the returning-board show a different count, the same has been tampered with and changed since delivered by the commissioners to the supervisor.

RICHARD DICKERSON.

Sworn to and subscribed before me this 23d day of November, A. D. 1874.

E. F. NEWMAN,
Mayor and Ex-officio Justice of the Peace.

OFFICE SECRETARY STATE,
New Orleans, March 19, 1875.

I hereby certify that the foregoing is a true copy of the original on file in this office.
[SEAL.] N. DURAND,
Assistant Secretary of State.

EXHIBIT 35.—*Affidavit of R. K. Anderson.*STATE OF LOUISIANA, *Parish of Orleans:*

I have seen the statement of W. A. Blount, United States supervisor for Carroll Parish, in which he gives the number of votes cast at last election in that parish. He further says that he made this statement from inspection of tally-sheets and other sources of information afforded him by the State supervisor. I know of my own knowledge that he, Blount, never had, or attempted to get, such information from the State supervisor; never saw the complete returns and tally-sheets from all the wards in Carroll Parish, and did in my presence only receive (orally) from the State supervisor, R. M. Lackey, a statement of votes cast for W. B. Spencer and J. E. Moncure.

R. K. ANDERSON.

Sworn to and subscribed before me this 21st day of December, A. D. 1874.

WM. WEEKS,
Assistant Secretary of State.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, March 19, 1875.

I hereby certify that the foregoing is a true copy of the original on file in this office.
[SEAL.] P. G. DESLONDE,
Secretary of State.

EXHIBIT 36.—*Affidavit of W. W. Benham.*STATE OF LOUISIANA, *Parish of Carroll:*

Personally appeared before me, the undersigned authority in and for the parish of Carroll, W. W. Benham, of the same parish and State, who deposes and says that he was one of the clerks of the registrar for the parish of Carroll, and that the second day following the election, W. A. Blount, one of the United States supervisors of election for the parish of Carroll, called at the office of the parish registrar and asked for Spencer and Moncure's votes in the parish, saying at the same time that he did not use a snap for the vote of any of the rest of the candidates. I turned to the tally-

sheets and gave him the vote of Spencer, 261, and for Moncure 235, when he went away expressing himself fully satisfied. This is all the data said Blount ever had of the election held November 2, 1874.

W. W. BENHAM.

Sworn to and subscribed before me this the 25th November, 1874.

C. E. MOSS, JR.,
Parish Judge.

OFFICE SECRETARY OF STATE,
New Orleans, March 18, 1875.

I hereby certify that the foregoing is a true copy of the original affidavit on file in this office.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

EXHIBIT 37.—*Affidavit of Mrs. F. Piderit.*

STATE OF LOUISIANA, *Parish of Orleans :*

Personally appeared before me, the undersigned authority, F. Piderit, who, being duly sworn, deposes and says that T. S. Barton, of the parish of Orleans, called at her residence, No. 150 Jackson street, on the evening of November 10, A. D. 1874; that he was shown into the front parlor and from there into the back parlor; that at the same time Mr. Geo. C. Benham was engaged with a gentleman, (whom I afterward learned to be Mr. Riley, of Morehouse Parish,) in the front parlor; that this was the only call Mr. Benham received on this evening, and that this was the only time Mr. Benham had ever been engaged with any gentleman writing in my front parlor or, to my knowledge, in any other part of my house.

MRS. F. PIDERIT.

Sworn to and subscribed before me this the 2d day of December, A. D. 1874.

P. G. DESLONDE,
Secretary of State.

OFFICE SECRETARY OF STATE,
New Orleans, March 18, 1875.

I hereby certify that the foregoing is a true copy of an original affidavit on file in my office, pertaining to the election held on 2d day of November, A. D. 1874.

Secretary of State.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, March 19, 1875.

I hereby certify that the foregoing is a true copy of the original on file in this office.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

EXHIBIT 38.—*Affidavit of Carrie T. Benham.*

STATE OF LOUISIANA, *Parish of Orleans :*

Personally appeared before me, the undersigned authority, Carrie T. Benham, who, being duly sworn, deposes and says that she was informed by Geo. C. Benham, on Tuesday evening, November 19, A. D. 1874, that he was expecting a call from Mr. Riley, of Morehouse Parish, and about 7 o'clock, as we were sitting on the upstairs gallery, Mr. Benham looked down as some one came in at the gate and exclaimed, "There comes Mr. Riley;" he immediately descended to the parlor and was gone about an hour. This was the only call Mr. Benham received that evening. No election-returns for the parish of Carroll have ever been in this house, No. 159 Jackson street, and the statement of one T. S. Barton to this effect is wholly without foundation in fact.

CARRIE T. BENHAM.

Sworn to and subscribed before me this the 2d December, A. D. 1874.

P. G. DESLONDE,
Secretary of State.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, March 19, 1875.

I hereby certify that the foregoing is a true copy of the original on file in this office.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

EXHIBIT 39.—*Affidavit of S. W. Reily.*STATE OF LOUISIANA, *Parish of Morehouse :*

Personally appeared before me, the undersigned authority, Sam'l W. Reily, a resident of this parish and State, who, being duly sworn, deposes and says that he spent the evening, from 7 to 8 o'clock, with Mr. Geo. C. Benham, at his boarding-place, No. 159 Jackson st., on Tuesday, Nov. 10th, 1874; that he called there in accordance with a previous engagement made in the morning of the same day and for the purpose of procuring Mr. Benham's assistance in making out his accounts for services as registrar, and that of his clerks, as well as comparing his returns with the law to see if it had been complied with in every way, and if his papers were in due form. It was found that he had not brought along the sworn statement of the clerk of the court, and the following morning, as per engagement, Mr. Benham and myself called at the office of the State registrar and stated the case to him for his advice, which was to leave what returns he had in some safe place in New Orleans and return at once to Morehouse, procure the missing paper and send it down. Deponent asked the State registrar if he could send the paper to Mr. Benham and have him attend to it, and he replied "certainly." Immediately upon receiving this advice I took such returns as I had brought, and, in company with Mr. Benham, went to the auditor's office and lodged them in his vault, taking the receipt of his chief clerk, Mr. Shultz, for the same. That evening I left for home, and, on the 17th of Nov., I mailed a registered letter to Mr. Geo. C. Benham, the necessary paper to make my returns complete, requesting him to get the package from the auditor's vault and return the completed returns over to the returning-board, which he finds was done on the 20th of Nov., as per receipt now in my possession.

Deponent was received by Mr. Benham, at his boarding-house on Jackson st., in the front parlor, and we sat at the center-table while the doors and windows were all open, and, during his stay, persons, either ladies or gentlemen, were constantly going or coming, either in the front or rear parlor. Deponent makes this affidavit because he is informed that one T. S. Barton has made an affidavit to the effect that on this particular night he saw Mr. Benham at this same place with another person engaged in tampering with the returns from Carroll, when it will be seen by the foregoing such was not the case. If Mr. Benham had only been anxious to serve himself he would not have called my attention to the defect in my returns from Morehouse, because defective returns would have aided him greatly, as the parish went against him.

SAM'L W. REILY.

Sworn to and subscribed before me this 25th day of November, A. D. 1874.

C. B. WHEELER,
*Parish Judge.*OFFICE SECRETARY OF STATE,
New Orleans, March 19, 1875.

I hereby certify that the foregoing is a true copy of the original affidavit on file in this office.

[SEAL.]

P. G. DESLONDE,
*Secretary of State.*EXHIBIT 40.—*Affidavit of Fred. N. Schultz.*STATE OF LOUISIANA, *Parish of Orleans :*

Personally appeared before me F. Schultz, chief clerk of the auditor's office, who, being duly sworn, deposes and says: That Mr. Riley, of Morehouse Parish, and Mr. Benham, of Carroll, called at the auditor's office, on the morning of November 11, 1874, and informed me that they wished to leave a bundle of papers in the auditor's vault, and asked me to give a receipt for the same, which I did. On the morning of the 20th, the receipt was produced for the package and I turned it over.

FRED. N. SCHULTZ.

Sworn to and subscribed before me this 3d day of December, A. D. 1874.

WM. WEEKS,
*Assistant Secretary of State.*STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, March 19, 1875.

I hereby certify that the foregoing is a true copy of the original on file in this office.

P. G. DESLONDE,
Secretary of State.

EXHIBIT 41.—*Official returns of election held in Louisiana in 1874, giving vote for and against amendments to the constitution of the State.*

OFFICIAL.

Consolidated returns of a general election held in the State of Louisiana, on the 2d day of November, 1874, for State treasurer, amendments to the constitution, and limiting the debt of New Orleans, pursuant to a writ of election promulgated on the 10th day of September, 1874, ordering the same, and in accordance with act No. 98, entitled an act to regulate the conduct and to maintain the freedom and purity of election; to prescribe the mode of making returns thereof; to provide for elections of returning-officers, defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives; and to enforce article one hundred and three of the constitution, approved November 20, 1872.

UNDER ACT No. 4, SESSION 1874.

First proposed amendment, relative to the issue of consolidated bonds.

Parishes.	For approval.	Against approval.
Ascension	1,869	757
Assumption	1,543	1,375
Avoyelles	1,405	1,269
East Baton Rouge	2,411	1,444
West Baton Rouge	804	311
Bienville .....	.....	.....
Bossier	921	702
Caddo	1,336	1,191
Calcasieu	31	224
Caldwell	359	446
Cameron	51	95
Carroll	2,228	194
Catahoula	746	693
Claiborne	874	1,125
Concordia	1,650	173
De Soto .....	.....	.....
East Feliciana	1,703	771
West Feliciana	1,361	479
Franklin	75	427
Grant .....	.....	.....
Iberia	928	939
Iberville	2,046	771
Jackson	2	247
Jefferson, (right bank)	967	615
Jefferson, (left bank)	644	162
La Fayette	535	975
La Fourche	1,851	1,899
Lincoln	525	580
Livingston	127	663
Madison	1,613	414
Morehouse	966	617
Natchitoches	1,524	1,026
Ouachita	1,773	681
Orleans	13,922	23,811
Plaquemines	1,644	293
Point Coupee	1,986	538
Rapides	1,126	834
Richland	439	737
Red River	694	147
Sabine	30	172
Saint Bernard	603	266
Saint Charles	1,278	271
Saint Helena	534	618
Saint James	1,873	759
Saint John	1,329	499
Saint Landry	2,327	2,418
Saint Martiu's	705	920
Saint Mary's	2,166	1,020
Saint Tammany	580	553
Tangipahoa	455	777

First proposed amendment, relative to the issue of consolidated bonds—Continued.

Parishes.	For approval.	Against approval.
Tensas.....	2,951	51
Terre Bonne.....	1,164	774
Union.....	470	1,108
Vermillion.....	224	637
Vernon.....	118	307
Washington.....	122	448
Webster.....	784	811
Winn.....	.....	.....
Total.....	69,419	60,070

Second proposed amendment, reducing and limiting the State debt to fifteen millions, and limiting taxation.

	For approval.	Against approval.
Ascension.....	1,896	757
Assumption.....	1,543	1,376
Avoyelles.....	1,409	1,264
East Baton Rouge.....	2,413	1,441
West Baton Rouge.....	804	311
Bienville.....	.....	.....
Bossier.....	922	701
Caddo.....	1,337	1,193
Calcasien.....	31	229
Caldwell.....	368	484
Cameron.....	65	74
Carroll.....	2,228	194
Catahoula.....	750	689
Claiborne.....	831	1,120
Concordia.....	1,650	1,103
De Soto.....	.....	.....
East Feliciana.....	1,710	768
West Feliciana.....	1,361	479
Franklin.....	76	426
Grant.....	.....	.....
Iberia.....	928	939
Iberville.....	2,048	764
Jackson.....	2	247
Jefferson, (right bank).....	971	612
Jefferson, (left bank).....	648	148
La Fayette.....	535	974
La Fourche.....	1,852	1,898
Lincoln.....	525	560
Livingston.....	128	662
Madison.....	1,614	413
Morehouse.....	973	611
Natchitoches.....	1,524	1,028
Ourachita.....	1,807	650
Orleans.....	13,969	23,705
Plaquemines.....	1,644	228
Point Coupee.....	1,988	536
Rapides.....	1,126	834
Richland.....	443	733
Red River.....	694	147
Sabine.....	30	171
Saint Bernard.....	603	206
Saint Charles.....	1,275	268
Saint Helena.....	534	618
Saint James.....	1,868	759
Saint John the Baptist.....	1,359	474
Saint Landry.....	2,341	2,406
Saint Martin's.....	705	920
Saint Mary's.....	2,166	1,029
Saint Tammany.....	581	551
Tangipahoa.....	457	775
Tensas.....	2,947	47

Second proposed amendment, reducing and limiting the State debt to fifteen millions, and limiting taxation—Continued.

Parishes.	For approval.	Ag app
Terre Bonne.....	1,357	
Union.....	471	1
Vermillion.....	224	
Vernon.....	118	
Washington.....	122	
Webster.....	803	
Winn.....	.....	..
Total.....	70,824	56

Third proposed amendment, devoting annual revenues of the State to the expenses of the year.

Parishes.	For approval.	Ag app
Ascension.....	1,896	
Assumption.....	1,541	1
Avoyelles.....	1,479	1
East Baton Rouge.....	2,417	1
West Baton Rouge.....	804	
Bienville.....	.....	..
Bossier.....	922	
Caddo.....	1,339	1
Calcasien.....	33	
Caldwell.....	369	
Cameron.....	64	
Carroll.....	2,228	
Catahoula.....	749	
Claiborne.....	863	1
Concordia.....	1,650	
De Soto.....	.....	..
East Feliciana.....	1,712	
West Feliciana.....	1,361	
Franklin.....	81	
Grant.....	.....	..
Iberia.....	928	
Iberville.....	2,044	
Jackson.....	1	
Jefferson, (right bank).....	970	
Jefferson, (left bank).....	643	
La Fayette.....	531	
La Fourche.....	1,851	1
Lincoln.....	524	
Livingston.....	126	
Madison.....	1,613	
Morehouse.....	973	
Natchitoches.....	1,524	1
Ouachita.....	1,782	
Orleans.....	13,927	2
Plaquemines.....	1,644	
Point Coupee.....	1,986	
Rapides.....	1,126	
Richland.....	442	
Red River.....	694	
Sabine.....	30	
Saint Bernard.....	603	
Saint Charles.....	1,275	
Saint Helena.....	534	
Saint James.....	1,868	
Saint John Baptist.....	1,330	
Saint Landry.....	2,340	1
Saint Martin's.....	705	
Saint Mary's.....	2,166	1
Saint Tammany.....	580	
Tangipahoa.....	455	
Texas.....	2,952	
Terre Bonne.....	1,168	

Third proposed amendment, devoting annual revenues of the State to the expenses of the same year—Continued.

Parishes.	For approval.	Against approval.
Union	471	1,107
Vermillion	224	687
Vernon	117	308
Washington	122	448
Webster	787	765
Winn .....	.....	.....
Total	70,499	59,995

UNDER ACT No. 22, SESSION OF 1874.

Amendment limiting the debt of New Orleans.

Parishes.	For approval.	Against approval.
Ascension	1,896	757
Assumption	1,546	1,372
Avoyelles	1,409	1,268
East Baton Rouge	2,413	1,440
West Baton Rouge	804	311
Bienville .....	.....	.....
Bossier	921	702
Caddo	1,335	1,198
Calcasieu	40	192
Caldwell	362	483
Cameron	60	77
Carroll	2,228	194
Catahoula	743	700
Claiborne	779	1,197
Concordia	1,650	173
De Soto .....	.....	.....
East Feliciana	1,690	775
West Feliciana	1,361	479
Franklin	74	426
Grant .....	.....	.....
Iberia	923	939
Iberville	2,042	769
Jackson	1	243
Jefferson, (right bank)	814	384
Jefferson, (left bank)	645	161
La Fayette	531	974
La Fourche	1,852	1,898
Lincoln	523	582
Livingston	125	665
Madison	1,609	416
Morehouse	969	613
Natchitoches	1,524	1,028
Orachita	1,713	740
Orleans	13,886	23,771
Plaquemines	1,644	228
Point Coupee	1,987	538
Rapides	1,126	834
Richland	441	736
Red River	30	45
Sabine	30	171
Saint Bernard	603	266
Saint Charles	1,275	267
Saint Helena	534	618
Saint James	1,868	759
Saint John Baptist	1,314	469
Saint Landry	2,326	2,252
Saint Martin's	705	920
Saint Mary's	2,166	1,029
Saint Tammany	579	551
Tangipahoa	456	776
Tensas	2,958	43
Terre Bonne	1,168	849

Amendment limiting the debt of New Orleans—Continued.

Parishes.	For approval.	Ag app
Union	474	:
Vermillion	224	
Vernon	119	
Washington	122	
Webster	768	
Winn .....	.....	..
Total	69,756	54

UNDER ACT No. 64, SESSION 1874.

Amendment to article seventeen, relative to day of electing representatives.

Parishes.	For approval.	Ag app
Ascension	1,896	
Assumption	1,547	
Avoyelles	1,401	1
East Baton Rouge	2,410	1
West Baton Rouge	804	
Bienville .....	.....	.
Bossier	921	
Caddo	1,334	1
Calcasieu	108	
Caldwell	364	
Cameron	47	
Carroll	2,227	
Catahoula	737	
Claiborne	784	1
Concordia	1,650	
De Soto .....	.....	.
East Feliciana	1,700	
West Feliciana	1,361	
Franklin	176	
Grant .....	.....	..
Iberia	928	
Iberville	2,050	
Jackson	1	
Jefferson, (right bank)	970	
Jefferson, (left bank)	645	
La Fayette	530	
La Fourche	1,854	1
Lincoln	523	
Livingston	124	
Madison	1,618	
Morehouse	972	
Natchitoches	1,524	1
Onachita	1,725	
Orleans	13,825	24
Plaquemines	1,644	
Point Coupee	1,986	
Rapides	1,426	
Richland	444	
Red River	30	
Sabine	30	
Saint Bernard	603	
Saint Charles	1,276	
Saint Helena	534	
Saint James	1,863	
Saint John Baptist	1,361	
Saint Landry	2,329	2
Saint Martin	705	
Saint Mary	2,166	1
Saint Tammany	580	
Tangipahoa	453	
Tensas	2,338	
Terre Bonne	1,173	

Amendment to article seventeen, relative to day of electing representatives—Continued.

Parishes.	For approval.	Against approval.
Union	475	1, 107
Vermillion	224	687
Vernon	341	197
Washington	122	448
Webster	770	828
Winn .....	.....	.....
Total	67, 234	59, 528

J. MADISON WELLS.
THOMAS C. ANDERSON.
LOUIS M. KENNER.
G. CASANAVE.

A true copy.
P. G. DESLONDE,
Secretary of State.



STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, La., April 14, 1874.

I certify that the foregoing is a true extract of the original on file in my office.
[SEAL.] P. G. DESLONDE,
Secretary of State.

EXHIBIT 42.—Promulgated returns of election in the parishes of Concordia and Carroll

OFFICIAL.

Compiled returns of an election held in the parish of Concordia, State of Louisiana, on the second day of November, A. D. 1874, under a writ of election dated the tenth day of September, A. D. 1874, ordering same, and pursuant to the provisions of act No. 98, to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning-officers, and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives, and to enforce article one hundred and three of the constitution, approved November 20, A. D. 1872, to wit:

FOR REPRESENTATIVES.

James Randall	1, 885
William Ridgley.....	1, 197
F. S. Shields	146
Anderson Tolliver.....	319
Thomas Reber.....	756
Scattering.....	1

FOR PARISH JUDGE.

J. S. Meng.....	1, 802
M. A. Scott.....	115
William Forbes.....	152
Scattering.....	2

FOR SHERIFF.

Oren Stewart	657
J. B. Heiserodt.....	121
W. H. Hough, jr.	751
Sam Johnson	448

FOR CORONER.

George Randall.....	1, 677
J. Franklin.....	70
Scattering.....	2

FOR JUSTICES OF THE PEACE.

First ward—	
Charles Wade.....	119
R. H. Butterfield.....	43

Second ward—	
James Foy	
Polk Smith	
J. V. L. Scott	
Third ward—	
Tom Singleton	
Morris Brown	
Robert Davis	
Robert Johnson	
Fourth ward—	
Henderson Smith	
Samuel W. Henry	
John Tatum	
Elijah Connell	
Jerry Crutcher	
H. N. Norment	
Fifth ward—	
L. Mackell	
R. H. Columbus	
Perry Whittaker	
Sixth ward—	
Dan Wright	
Aaron Owens	
Robert Oakman	
Seventh ward—	
N. T. Randolph	
Peter Hooper	
Eighth ward—	
Isaac Beard	
M. Majors	
Ninth ward—	
J. H. Moreland	
Tenth ward—	
L. B. Jackson	
Scattering	

FOR CONSTABLES.

First ward—	
Peter Weir	
Second ward—	
Wilson Thornton	
John Holmes	
T. H. Bessac	
Third ward—	
Hampton King	
Isaac Crompton	
Fourth ward—	
P. Cook	
Jake Dorsey	
— Franklin	
Fifth ward—	
Hardy Duncan	
C. H. Grimes	
Sixth ward—	
Boswell Jones	
Joseph Harding	
Seventh ward—	
John Webb	
Joe Williams	
A. Beaman	
E. Beaman	
W. Miles	
Eighth ward—	
Orange Miles	
C. J. Montgomery	
Scattering	

FOR POLICE JURORS.

Nathan Lorie	1,
G. L. Walton	1,
Haudy Walton	

Washington	1,525
Washington, sr	379
Pullin	273
s Hall	1,693
Hall	107
S. Gaynor	727
mith	130
S. Sawyer	210
King	127
wn	64
on Waters	73
on	26
n Carter	173
eyes	32
Randall	5
Gaines	28
Bowman	46
ard	122
per	52
V. Strauter	48
J. Jefferson	8
nson	30
shall	130
te	31
s Fox	33
Bowman	9
ring	61

the undersigned returning-officers, pursuant to authority vested in us by act approved November 20, 1872, do hereby certify the foregoing is a true and compilation of the statement of votes cast at an election for members of the of representatives and parochial officers, held on the second day of November, 1874, under a writ of election promulgated on the tenth day of September, A. D. ordering same, and we hereby declare that the following-named persons were and lawfully elected, to wit:
representatives—James Randall, William Ridgley.
parish judge—J. S. Meng.
sheriff—W. O. Hough, jr.
coroner—George Randall.
justices of the peace—Charles Wade, Tom Singleton, John Tatum, L. Mackell, Hooper.
constables—Peter Weir, John Holmes, J. Crompton, Jake Dorsey, Hardy Duncan.
police jurors—Nathan Lorie, G. L. Walton, George Washington, Charles Hall, S. Gaynor.

J. MADISON WELLS.
THOMAS C. ANDERSON.
G. CASANAVE.
LOUIS M. KENNER.
OSCAR ARROYO.

OFFICIAL.

iled returns of an election held in the parish of Carroll, State of Louisiana, on second day of November, A. D. 1874, under a writ of election dated the tenth of September, A. D. 1874, ordering same, and pursuant to the provisions of act 93, to regulate the conduct and to maintain the freedom and purity of elections; describe the mode of making returns thereof; to provide for the election of return-officers and defining their powers and duties; to prescribe the mode of entering the rolls of the senate and house of representatives, and to enforce article one dred and three of the constitution, approved November 20, A. D. 1872, to wit:

FOR REPRESENTATIVES.

Bartain	1,817
es Yorke	1,830
Burton	558
y Atkins	533
rvey Brigham	1
ring	19

FOR PARISH JUDGE.

M. Dubose.....	625
Charles E. Moss.....	1,819

FOR SHERIFF.

Charles Hicks.....	1,865
N. Burton.....	554
Scattering.....	1

FOR CORONER.

Pompey Small.....	1,833
John H. Collins.....	514

FOR JUSTICES OF THE PEACE.

Raymond Gilbert.....	1,663
Peter Box.....	234
Calvin Scott.....	1
S. T. Austin, jr.....	1,180
Aaron Henderson.....	1,184
Moses Jackson.....	80
A. R. Anderson.....	75
Jack Claiborne.....	1,182
J. Scott.....	98
E. D. Hanegan.....	1,370
Sam. Searcy.....	1,306
C. Taylor.....	85
M. Collins.....	100
T. B. Reneau.....	1,245
James Houston.....	140
E. Former.....	49
Scattering.....	2

FOR CONSTABLES.

Joseph Jackson.....	1,642
Matthew Page.....	242
William Smith.....	1,178
A. Robinson.....	1,184
Alexander Armstrong.....	77
Zeke Christmas.....	69
John Littleton.....	1,180
Warren Smith.....	37
A. Batts.....	1,397
M. Gibson.....	1,308
W. Lindsey.....	92
H. Watkins.....	48
P. M. Gaddis.....	22
B. Settson.....	496
W. P. McCarthy.....	675
Robert Lee.....	96

POLICE JURORS.

W. Ferguson.....	1,825
Charles H. Nash.....	1,881
M. Mitchell.....	1,831
W. H. Straub.....	1,873
C. H. Counts.....	1,871
David King.....	494
C. D. Shearer.....	487
Jack Snelling.....	496
H. Price.....	521
J. Holloway.....	492
Scattering.....	2

We, the undersigned returning-officers, pursuant to authority vested in us by act No. 98, approved November 20, A. D. 1872, do hereby certify the foregoing is a true and correct compilation of the statement of votes cast at an election for members of the house of representatives and parochial officers, held on the second day of November, A. D. 1874, under a writ of election promulgated on the tenth day of September, A. D. 1874, ordering same, and we hereby declare that the following-named persons were duly and lawfully elected, to wit:

For representatives—Cain Sartain, P. Jones Yorke.
For parish judge—Charles E. Moss.

For sheriff—Charles Hicks.
For coroner—Pompey Small.
For justices of the peace—R. Gilbert, A. Henderson, J. Claiborne, E. D. Hanegan,
J. B. Reneau.
For constables—J. Jackson, A. Robinson, J. Littleton, Alex. Batts, W. P. McCarty.
Police jurors—W. Ferguson, C. H. Nash, M. Mitchell, W. H. Stranb, C. B. Counts.
J. MADISON WELLS.
THOMAS C. ANDERSON.
LOUIS M. KENNER.
G. CASANAVE.

STATE OF LOUISIANA,
OFFICE OF THE SECRETARY OF STATE,
New Orleans, La., April 14, 1875.

I certify that the foregoing are true copies extracted from the official and promulgated returns of an election held in the parishes of Concordia and Carroll on the 2d day November, 1874.

P. G. DESLONDE,
Secretary of State.

EXHIBIT 1.—Statement of votes at poll No. 1, parish of Lincoln, State of Louisiana.

Statement of votes cast at poll No. 1, of election-precinct No. 1, of the parish of Lincoln, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
John C. Moncure.....	State treasurer.....	Two hundred and forty-four,(244.)
Antoine Dubuclet.....	.....do.....	Eighty-seven, (87.)
Wm. B. Spencer.....	Congress, 5th district	Two hundred and forty-three,(243.)
Frank Money.....	.....do.....	Eighty-seven, (87.)

Statement of votes—Continued.

Number of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
Three hundred and thirty-seven, (337.)	Two, (2)	Doubled ballots.

STATE OF LOUISIANA, Parish of Lincoln :

Personally appeared before me, the undersigned authority, J. W. Calcote, H. C. Slatta, and Jas. H. May, duly appointed and qualified commissioners of election of poll No. 1, election precinct of the parish of Lincoln, State of Louisiana, for the general election held November 2, 1874, who being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned ; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me, this 3d day of November, A. D. 1874.

L. M. GAHAGON,
Justice Peace, Ward One.

Commissioners of Election, Poll No. 1, Parish of Lincoln, State of Louisiana.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 14, 1875.

I hereby certify the foregoing to be true and correct extracts from the original document on file in this office.

[SEAL.]

N. DURAND,
Assistant Secretary of State.

EXHIBIT 2.—*Statement of votes at poll No. 2, parish of Lincoln, State of Louisiana.*

Statement of votes cast at poll No. 2 of election-precinct No. —, ward No. 1, of the parish of Lincoln, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet...	State treasurer.....	Three hundred and twenty-five, (325.)
John C. Moncure....	.....do	Twenty-two, (22.)
Frank Morey.....	Congress, 5th district.	Three hundred and twenty-five, (325.)
Wm. B. Spencer.....	.....do	Twenty-two (22.)

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
Three hundred and forty-seven, (347.)	Eight, (8)..... One, (1).....	Wrong numbers on registration-paper; challenged as having been in the penitentiary.

STATE OF LOUISIANA, *Parish of Lincoln :*

Personally appeared before me, the undersigned authority, John K. Skinner, Richard A. Wilson, John W. Harrison, duly appointed and qualified commissioners of election of poll No. 2, election-precinct of the parish of Lincoln, ward No. 1, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll, on said day.

Sworn and subscribed to before me, this third day of November A. D., 1874.

J. A. GREEN,

Superintendent Registration, Parish of Lincoln.

JOHN K. SKINNER.

R. A. WILSON.

J. W. HARRISON.

Commissioners of Election, Poll No. 2, Parish of Lincoln.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 14, 1875.

I hereby certify the foregoing to be true and correct extracts from the original document filed in this office by the board of returning-officers.

[SEAL.]

N. DURAND,

Assistant Secretary of State.

EXHIBIT 3.—*Statement of votes at poll No. 2, parish of Lincoln.*

Statement of votes cast at poll No. 2, of election-precinct No. 2, of the parish of Lincoln, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Name of person voted for.	For office of—	No. of votes.
John C. Moncure	State treasurer	88, eighty-eight.
Wm. B. Spencer	Congress, 5th dist....	87, eighty-seven.
Antoine Dubuclet.....	State treasurer	5, five.
Frank Morey	Congress	6, six.

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
a. of ballots in box, ninety-three, (93.)	No. of ballots rejected, none.	None.

STATE OF LOUISIANA, Parish of Lincoln :

Personally appeared before me, the undersigned authority, Joel P. Holleman, G. W. Knowles, Philip Lewis, jr., duly appointed and qualified commissioners of election of poll No. 2, election-precinct of the parish of Lincoln, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 2d day of November, A. D. 1874.

JOEL P. HOLLEMAN,
G. W. KNOWLES,
PHILIP LEWIS, JR.,

Commissioners of Election, Poll No. 2, of the Parish of Lincoln.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 14, 1875.

I hereby certify the foregoing to be true and correct extracts from the original document filed in this office by the board of returning-officers.

[SEAL.]

N. DURAND,
Assistant Secretary of State.

EXHIBIT 4.—Statement of votes at poll No. 4, ward 3, parish of Lincoln, State of Louisiana .

Statement of votes cast at poll No. 4, of election-precinct No. 3, of the parish of Lincoln, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
Wm. B. Spencer	Congress, 5th dist.	175
Frank Morey	Congress, 5th dist.	19

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
One hundred and ninety-four, (194.)		

STATE OF LOUISIANA, Parish of Lincoln :

Personally appeared before me, the undersigned authority, Pleasant Henderson, Thos. W. Murphy, Richard M Jones, duly appointed and qualified commissioners of election of poll No. 4, ward 3, election precinct of the parish of Lincoln, State of Louisiana, for the general election held November 2, 1874, who being duly sworn depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this the 2d day of November, A. D. 1874.

ELISHA D. HARRIS,
Justice of the Peace.
PLEASANT HENDERSON,
THOS. W. MURPHY,
RICHARD M. JONES,

Commissioners of Election, Poll No. 4, Ward 3, Parish of Lincoln, State of Louisiana.

OFFICE SECRETARY OF STATE,
New Orleans, March 30th, 1875.

I certify that this is a correct transcript of so much of the statement of votes :
relates to the votes cast for Congressmen at the election held November 2, 1874, file
in my office by the board of returning-officers.
[SEAL.]

N. DURAND,
Assistant Secretary of State.

EXHIBIT 5.—Statement of votes at poll No. 4, parish of Lincoln, State of Louisiana.

Statement of votes cast at poll No. 4 of election-precinct No. 4 of the parish of Lincoln
La., for members of Congress, State and parish officers, at the general election held
November 3, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet.....	State treasurer.....	Eighty-six, (86.)
John C. Moncure.....	State treasurer.....	One hundred and fifty-six, (156)
Frank Morey.....	For Congress.....	Eighty-seven, (87.)
Wm. B. Spencer.....	For Congress.....	One hundred and fifty-six, (156)

Statement of votes—Continued.

Number of ballots in box.	Number of ballots rejected.	Reasons for rejection of ballot
Two hundred and forty-five, (245.)	Two, (2.)	One not endorsed by supervisor of registration. One wrong parish.

STATE OF LOUISIANA, Parish of Lincoln :

Personally appeared before me, the undersigned authority, T.W. Pipes, James M. Rian
A. Sanderson, duly appointed and qualified commissioners of election of poll No. 4, election-precinct of the parish of Lincoln, for the general election held November 2, 1874, who
being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said
ballots; and that the foregoing is a true and correct statement of the votes cast at said
poll on said day.

Sworn and subscribed to before me this 3d day of November, A. D. 1874.
L. M. GOHAGAN,
Justice Peace Ward One.
T. W. PIPES,
A. SANDERSON,
J. M. RIANO,
Commissioners of Election, Poll No. 4, Parish of Lincoln, La.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 14, 1875.

I hereby certify the foregoing to be true and correct extracts from the original document on file in this office.
[SEAL.]

N. DURAND,
Assistant Secretary of State.

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
One hundred and eighty-nine.		

STATE OF LOUISIANA, Parish of Lincoln :

Personally appeared before me, the undersigned authority, John Elkins, W. J. Smith, and M. White, duly appointed and qualified commissioners of election of poll No. 5, Precinct of the parish of Lincoln, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Witness my hand and subscribed to before me this the 3d day of November, A. D. 1874.

L. M. GAHAGON,
Justice Peace Ward One.

JOHN M. WHITE,
W. J. SMITH,
JOHN ELKINS,

Commissioners of Election, Poll No. 5, Parish of Lincoln.

STATE OF LOUISIANA, OFFICE SECRETARY OF STATE,
New Orleans, April 14th, 1875.

I hereby certify the foregoing to be true and correct extracts from the original documents filed in this office by the board of returning-officers.

(SEAL.)

N. DURAND,
Assistant Secretary of State.

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
No. of ballots in box, (83.)		

STATE OF LOUISIANA, *Parish of Lincoln :*

Personally appeared before me, the undersigned authority, A. C. Devenaux, S. S. Heard, and J. J. Norris, duly appointed and qualified commissioners of election of poll No. 6, election precinct of the parish of Lincoln, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 2d day of November, A. D. 1874.
JOHN K. HEARD, *Voter.*
A. C. DEVENAUX,
S. S. HEARD,
J. J. NORRIS,
Commissioners of Election, Poll No. 6, Parish of Lincoln.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, April 14, 1875.

I hereby certify the foregoing to be true and correct extracts from the original documents on file in this office.
[SEAL.]
N. DURAND,
Assistant Secretary of State.

EXHIBIT 25.—*Statement of votes at poll No. 5, parish of Concordia.*

Statement of votes cast at poll No. 5, of election-precinct No. 5, of the parish of Concordia, for members of Congress, State and parish officers, at the general election November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	Number of votes.
Frank Morey	Congress, fifth dist....	(440,) four hundred and forty.
F. Morey.....	Congress, fifth dist....	(1,) one.
W. B. Spencer	Congress, fifth dist....	(36,) thirty-six.
Wm. Spencer.....	Congress, fifth dist....	(1,) one.
A. B. Boner.....	Congress, fifth	(3,) three.

Statement of votes—Continued.

Number of ballots in box.	Number of ballots rejected.	Reasons for rejection of ballots.
(498) four hundred and ninety-eight.	None.	

STATE OF LOUISIANA, *Parish of Concordia :*

Personally appeared before me, the undersigned authority, John F. Dameron, R. H. Columbus, and T. E. D. Jefferson, duly appointed and qualified commissioners of election of poll No. 5, election-precinct of the parish of Concordia, for the general

election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned, that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 4th day of November, A. D. 1874.

JNO. A. WASHINGTON,

Supervisor of Registration.

JNO. F. DAMERON,

THOS. E. D. JEFFERSON,

R. H. COLUMBUS,

Commissioners of Election, Poll No. 5, Parish of ———.

OFFICE OF SECRETARY OF STATE,

New Orleans, La., April 5, 1875.

I certify the foregoing to be a true copy of the original document filed in my office by the board of returning-officers of the State of Louisiana, in so far as it relates to Frank Morey, F. Morey, W. B. Spencer, Wm. Spencer, and A. B. Boner.

[SEAL.]

N. DURAND.

Assistant Secretary of State.

EXHIBIT "LAWS."—*Election-laws of Louisiana.*

AN ACT to regulate the conduct and to maintain the freedom and purity of elections; to prescribe the mode of making returns thereof; to provide for the election of returning-officers, and defining their powers and duties; to prescribe the mode of entering on the rolls of the senate and house of representatives; and to enforce article one hundred and three of the constitution.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened,* That all elections for State, parish, and judicial officers, members of the general assembly, and for members of Congress, shall be held on the first Monday in November; and said election shall be styled the general elections. They shall be held in the manner and form and subject to the regulations hereinafter prescribed, and no other.

SEC. 2. *Be it further enacted, &c.,* That five persons, to be elected by the senate from all political parties, shall be the returning-officers for all elections in the State, a majority of whom shall constitute a quorum, and have power to make the returns of all elections. In case of any vacancy by death, resignation, or otherwise, by either of the board, then the vacancy shall be filled by the residue of the board of returning-officers. The returning-officers shall, after each election, before entering upon their duties, take and subscribe to the following oath before a judge of the supreme or any district court:

"I, A. B., do solemnly swear (or affirm) that I will faithfully and diligently perform the duties of a returning-officer as prescribed by law; that I will carefully and honestly canvass and compile the statements of the votes, and make a true and correct return of the election. So help me God."

Within ten days after the closing of the election said returning-officers shall meet in New Orleans to canvass and compile the statements of votes made by the commissioners of election and make returns of the election to the secretary of state. They shall continue in session until such returns have been compiled. The presiding officer shall, at such meeting, open in the presence of the said returning-officers the statements of the commissioners of election, and the said returning-officers shall, from said statements, canvass and compile the returns of the election in duplicate; one copy of such returns they shall file in the office of the secretary of state, and of one copy they shall make public proclamation by printing in the official journal and such other newspapers as they may deem proper, declaring the names of all persons and officers voted for, the number of votes for each person, and the names of the persons who have been duly and lawfully elected. The returns of the elections thus made and promulgated shall be *prima-facie* evidence in all courts of justice and before all civil officers, until set aside after a contest according to law, of the right of any person named therein to hold and exercise the office to which he shall by such return be declared elected. The governor shall, within thirty days thereafter, issue commissions to all officers thus declared elected, who are required by law to be commissioned.

SEC. 3. *Be it further enacted, &c.,* That in such canvass and compilation the returning-officers shall observe the following order: They shall compile first the statements from all polls or voting-places at which there shall have been a fair, free, and peaceable registration and election. Whenever, from any poll or voting-place, there shall be received the statement of any supervisor of registration or commissioner of election, in form as required by section twenty-six of this act, on affidavit of three or more citizens, of any riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences, which prevented, or tended to prevent, a fair, free, and peaceable vote of all

qualified electors entitled to vote at such poll or voting-place, such returning-officers shall not canvass, count, or compile the statement of votes from such poll or voting-place until the statements from all other polls or voting-places shall have been canvassed and compiled. The returning-officers shall then proceed to investigate the statements of riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences at any such poll or voting-place; and if from the evidence of such statement they shall be convinced that such riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did not materially interfere with the purity and freedom of the election at such poll or voting-place, or did not prevent a sufficient number of qualified voters thereat from registering or voting to materially change the result of the election, then, and not otherwise, said returning-officers shall canvass and compile the vote of such poll or voting-place with those previously canvassed and compiled; but if said returning-officers shall not be fully satisfied thereof, it shall be their duty to examine further testimony in regard thereto, and to this end they shall have power to send for persons and papers. If, after such examination, the said returning-officers shall be convinced that said riot, tumult, acts of violence, intimidation, armed disturbance, bribery, or corrupt influences did materially interfere with the purity and freedom of the election at such poll or voting-place, or did prevent a sufficient number of the qualified electors thereat from registering and voting to materially change the result of the election, then the said returning-officers shall not canvass or compile the statement of the votes of such poll or voting-place, but shall exclude it from their returns: *Provided*, That any person interested in said election by reason of being a candidate for office shall be allowed a hearing before said returning-officers upon making application within the time allowed for the forwarding of the returns of said election.

SEC. 4. *Be it further enacted, &c.*, That elections for representatives in the general assembly shall be held on the first Monday of November, one thousand eight hundred and seventy-two, and every two years thereafter; and all elections to supply the place of senators in the general assembly whose term of service shall have expired shall be held at the same time as herein provided for the election of representatives.

SEC. 5. *Be it further enacted, &c.*, That all elections shall be held in each parish at the several election-polls or voting-places to be established as is hereinafter prescribed.

SEC. 6. *Be it further enacted, &c.*, That all elections shall be completed in one day, and the polls shall be kept open at each poll or voting-place from the hour of six in the morning until six o'clock in the afternoon.

SEC. 7. *Be it further enacted, &c.*, That each parish in the State, except the parishes of Orleans and Jefferson, is hereby fixed as an election-precinct, and the police-juries shall direct what number of polls or voting-places shall be established in each precinct; shall fix the places of holding the election, and appoint commissioners of election for each poll or voting-place. For the parish of Orleans, each ward of the city of New Orleans shall constitute a precinct; and the city council shall fix the voting-places in each precinct and appoint commissioners to hold the election for each voting-place. For the parish of Jefferson there shall be two precincts, one on each side of the Mississippi River, the precinct on each side embracing that portion of the parish on the same side of the River. The police jury of each precinct of said parish shall fix the voting-places in their precinct and appoint commissioners to hold the election at each poll or voting-place: *Provided*, That there shall be at least one voting-place in each justice of the peace ward in every parish except the parish of Orleans: *Provided further*, That in the city of Carrollton the voting-places shall be fixed and the commissioners appointed by the city council.

SEC. 8. *Be it further enacted, &c.*, That the election at each poll or voting-place shall be presided over by three commissioners of election, residents of the parish for at least twelve months next preceding the day of election, who shall be selected from different political parties, and be of good standing in the party to which they belong, and who shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed for State officers. Should only one of the commissioners appointed be present at the hour for opening the poll, he shall appoint another, and both together shall appoint a third, and the commissioners so appointed shall take the oath and perform all the duties of commissioners of election in the same manner as if they had been appointed as provided for regular appointment of commissioners by this act. Any one of the commissioners shall be authorized to administer the oath to the other commissioners. The commissioners of election for the several wards in the city of New Orleans shall be appointed by the mayor and administrators of the city of New Orleans.

SEC. 9. *Be it further enacted, &c.*, That it shall be the duty of the commissioners of election to receive the ballots of all legal voters who shall offer to vote, and deposit the same in the ballot-box to be provided for that purpose; the commissioners shall deposit the ballot of each voter in the ballot-box in the full and convenient view of the voter himself.

SEC. 10. *Be it further enacted, &c.*, That in all cases the vote of the person offering to vote shall be taken from the hand of the voter by one of the commissioners of election;

and any commissioner of election receiving a vote from the hands of any person other than the voter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than three hundred dollars; and any person taking a vote from a voter for the purpose of handing the same to the commissioner of election shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hundred dollars nor more than three hundred dollars: *Provided*, That any voter shall have the right to deposit his own vote in the ballot-box with his own hand.

SEC. 11. *Be it further enacted, &c.*, That any commissioner of election, constable, police-officer, or election officer, who shall see any person taking from the hands of a voter his ballot with intent to pass it to the commissioners of election, or attempting so to pass such ballot, shall forthwith arrest such person and convey him at least one-quarter of a mile from the polls, and keep him there under guard until the close of the poll.

SEC. 12. *Be it further enacted, &c.*, That the commissioners of election shall preserve order and decorum at the election, and shall commit to prison, or if at any place over one mile from the parish prison, to the custody of an officer, who shall convey the prisoner to a place at least a quarter of a mile from the polls, any disorderly person or persons, for a term not to extend beyond the hour of closing the polls: *Provided*, he be permitted to vote before being imprisoned. It shall be the duty of the commissioners of election, or any of them, to issue a warrant forthwith for the arrest of such person or persons, and the officer making the arrest shall commit such person or persons as above provided until the close of the polls. Such warrants may be directed to any sheriff, constable, or police officer, and shall be executed immediately by such officer. As soon as practicable after the closing of the polls, such person or persons shall be brought before the proper magistrate for examination, who shall proceed forthwith to examine the case.

SEC. 13. *Be it further enacted, &c.*, That it shall be the duty of the commissioners of election at each poll or voting-place to keep a list of the name of the persons voting at such poll or voting-place, which list shall be numbered from one to the end; and said list of voters, with their names and numbers as aforesaid, shall be signed and sworn to as correct by the commissioners immediately on closing the polls, and before leaving the place, and before opening the box. If no judge, or justice of the peace, or other person authorized to administer such oath, be present to do so, it may be administered by any voter. The votes shall be counted by the commissioners at each voting-place immediately after closing the election and without moving the boxes from the place where the votes were received, and the counting must be done in the presence of any bystander or citizen who may be present. Tally-lists shall be kept of the count, and after the count the ballots counted shall be put back into the box and preserved until after the next term of the criminal or district court, as the case may be; and in the parishes, except Orleans, the commissioners of election, or any one of them selected for that purpose, shall carry the box and deliver it to the clerk of the district court, who shall preserve the same as above required; and in the parish of Orleans the box shall be delivered to the clerk of the first district court for the parish of Orleans, and be kept by him as above directed.

SEC. 14. *Be it further enacted, &c.*, That in case the right of any person to vote is challenged, the commissioner of election shall have power to administer oaths and affirmations to persons offering to vote at any election conducted by them, and to examine such persons under oath touching their right to vote at such election, and in all cases the commissioners of election shall appoint one of their number to keep a record of the voters during the election, and another to receive the votes; and whenever a vote is received, the commissioner of election keeping the record shall call the name of the voter aloud and shall mark the letter V opposite said name on the record.

SEC. 15. *Be it further enacted, &c.*, That all supervisors of registration, commissioners of election and officers attending supervisors of registration or commissioners of election, shall be free from arrest during the time of registration, or of the revision of the registration, or of holding the election, or in going to or returning from the place of registration, or poll, or voting-place, unless he or they shall be charged with an offense punishable with death or imprisonment in the penitentiary.

SEC. 16. *Be it further enacted, &c.*, That all proper expenses incurred for the rent of polling or voting places, and the hire of furniture, and for incidental expenses necessary for holding the election, shall, upon presentation of a detailed account thereof, duly sworn to by the officer directed to procure the same, be paid by the authorities of the city of New Orleans, or of the parish, as the case may be, in which the elections are held.

SEC. 17. *Be it further enacted, &c.*, That no person shall be permitted to vote at any election to be held in this State who has not been duly registered as a qualified voter in accordance with law.

SEC. 18. *Be it further enacted, &c.*, That any voter shall vote in the parish wherein he resides, except in the parishes of Orleans and Jefferson, wherein he shall vote at the election-precinct in which he shall be a registered voter.

SEC. 19. *Be it further enacted, &c.,* That all names of persons voted for by each voter shall be written or printed on one ticket, on which the names of the persons voted for, together with the office for which they are voted for, shall be accurately specified; and should two or more tickets be folded together, the tickets so folded shall be rejected: *Provided,* That no person shall be allowed to vote for ward or municipal officers except in the ward or municipality in which he resides. The commissioners of election shall require every person offering to vote to exhibit his certificate of registration, and when the vote of such person is received the commissioners of election shall write on or stamp on such certificate or affidavit the word "voted," and the date of the vote, which shall be signed by one of the commissioners; and any person being guilty of erasing or altering any stamp or mark thus made by the commissioners of election, or any one of them, shall, upon conviction, be deemed guilty of a misdemeanor, and be fined and imprisoned at the discretion of the court.

SEC. 20. *Be it further enacted, &c.,* That the commissioners shall have the right to require that any person attempting to vote shall be put on his oath and made to declare whether he has voted at another poll or voting-place; and in case such person shall make a false oath he shall be subjected to the penalties provided by law for perjury; and it is hereby made the duty of any commissioner of election, upon the request of any voter, to administer the oath herein required, and any commissioner of election refusing or neglecting to administer the oath when so required shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, and by imprisonment for a term of not less than three months.

SEC. 21. *Be it further enacted, &c.,* That any person offering to vote may be required by the commissioners to make oath and declare that he is the person to whom was issued the registration certificate or any other paper upon which he offers to vote, and that he has not voted at any other poll or voting-place; and in case he shall make a false oath, he shall be liable to the pains and penalties of perjury prescribed by law.

SEC. 22. *Be it further enacted, &c.,* That the supervisor of registration for each parish throughout the State shall furnish to the commissioners of election at each poll or voting-place within his parish a correct and duly certified list, written or printed, in alphabetical order, of all the registered voters, and the number of the certificate of registration of each voter of the precinct in which the poll or voting-place may be situated, and it shall be the duty of the commissioners of election, as soon as the voter has deposited his vote, to erase his name from said list. Any person, except the commissioners of election, who shall mark, disfigure, or erase any part of said list, shall be immediately arrested and confined until the close of the polls. It is made the duty of all supervisors of registration, commissioners of election, and public officers to enforce the penalty of this section.

SEC. 23. *Be it further enacted, &c.,* That the sheriff of each parish shall furnish to the commissioners of election at each poll or voting-place within his parish a box sufficient to contain the votes to be given at such place. Such boxes shall be so bound with iron bands that the same cannot be opened, except by the locks, without breaking such bands, and such boxes shall each be furnished with a good lock and key. The expenses for such boxes, on the presentation by the sheriff of a specific account, sworn by him to be correct, shall be paid by the city or parish, as the case may be.

SEC. 24. *Be it further enacted, &c.,* That all elections held in this State to fill any vacancies shall be conducted and managed and returns thereof shall be made in the same manner as is provided for general elections.

SEC. 25. *Be it further enacted, &c.,* That it shall be the duty of the governor to commission all officers elect, except members of the general assembly, the governor, and the members of the police jury.

SEC. 26. *Be it further enacted, &c.,* That in any parish, precinct, ward, city, or town, in which during the time of registration or revision of registration, or on any day of election, there shall be any riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences, at any place within said parish, or at or near any poll or voting-place, or place of registration or revision of registration, which riot, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences shall prevent, or tend to prevent, a fair, free, peaceable, and full vote of all the qualified electors of said parish, precinct, ward, city, or town, it shall be the duty of the commissioners of election, if such riot, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences occur on the day of election, or of the supervision of registration of the parish, if they occur during the time of registration or revision of registration, to make in duplicate and under oath a clear and full statement of all the facts relating thereto, and of the effect produced by such riot, tumult, acts of violence, intimidation and disturbance, bribery or corrupt influences in preventing a fair, free, peaceable, and full registration or election, and of the number of qualified electors deterred by such riots, tumult, acts of violence, intimidation and disturbance, bribery, or corrupt influences from registering or voting, which statement shall also be corroborated under oath by three respectable citizens, qualified electors of the parish. When such statement is made by a commissioner of election or a supervisor of registration, he shall forward it

in duplicate to the supervisor of registration of the parish, if in the city of New Orleans, to the secretary of state, one copy of which, if made to the supervisor of registration, shall be forwarded by him to the returning-officers provided for in section two of this act, when he makes the returns of election in his parish. His copy of said statement shall be so annexed to his returns of elections by paste, wax, or some adhesive substance, that the same can be kept together, and the other copy the supervisor of registration shall deliver to the clerk of the court of his parish for the use of the district attorney.

SEC. 27. *Be it further enacted, &c.,* That as soon as possible after the expiration of the time of the making of the returns of the election for Representatives in Congress, a certificate of the returns of the election for such Representatives shall be entered on record by the secretary of state, and signed by the governor, and a copy thereof subscribed by said officers shall be delivered to the person so elected, and another copy transmitted to the House of Representatives of the Congress of the United States, directed to the Clerk thereof.

SEC. 28. *Be it further enacted, &c.,* That in case of vacancy by death or otherwise in the said office of Representatives in Congress between the general elections, it shall be the duty of the governor by proclamation to cause an election to be held according to law to fill the vacancy.

SEC. 29. *Be it further enacted, &c.,* That in every year in which an election shall be held for electors of President and Vice-President of the United States, such election shall be held at the time fixed by act of Congress.

SEC. 30. *Be it further enacted, &c.,* That whenever the seat of any senator or representative shall become vacant, and there shall be a session of the general assembly then sitting, or to be held before the next general election, it shall be the duty of the governor, within five days after such vacancy has come to his knowledge in any credible shape, to issue his writ of election, directed to the supervisor or supervisors of registration in and for the parish or parishes in which such vacancy may exist, whose duty it shall be, within three days after its receipt, to give public notice that an election will be held to fill such vacancy on a day to be named by them, which day shall not be less than eight nor more than fifteen days after the publication of such notice, if such election be held during or within fifteen days next preceding a session of the general assembly; but, if not, then the election shall be held not less than twenty nor more than thirty days after the publication of such notice, and shall be held and conducted and the returns thereof made in the manner and form provided by law for general elections.

SEC. 31. *Be it further enacted, &c.,* That in all future elections for senators, representatives, sheriffs, coroners, clerks of the district courts and other officers, if there should be an equal number of votes given for two or more candidates for the same office, the election for such office or offices thus not filled shall be again returned to the people in the parish or district, as the case may be, public notice of ten days to be first given in the same manner as in the general elections.

SEC. 32. *Be it further enacted, &c.,* That the provisions of this act, except as to the time of holding elections, shall apply in the election of all officers whose election is not otherwise provided for.

SEC. 33. *Be it further enacted, &c.,* That it shall be the duty of the governor, at least six weeks before any general election, to issue his proclamation giving notice thereof, which shall be published in the official journal of the State, and copies thereof forwarded to the several supervisors of registration throughout the State.

SEC. 34. *Be it further enacted, &c.,* That notice of every general election held under the provisions of this act shall be given at least thirty days before the election by notices posted up in each precinct: or, if there be an official newspaper published in the parish, by publishing the notice in such paper.

SEC. 35. *Be it further enacted, &c.,* That the supervisors of registration or commissioners of election shall, on the day of election, close all drinking-saloons, dram-shops, grogeries, or places where liquor is sold by the glass or bottle, situated in a radius of two miles of any poll or voting-place, and said supervisors of registration or commissioners of election shall have the power to call on any sheriff, constable, or police-officer to enforce this regulation. If such sheriff, constable, or police-officer shall refuse to obey any order issued under the authority of this section, the supervisor of registration giving the order shall summarily arrest and imprison such sheriff, constable, or police-officer, such imprisonment not to extend beyond the hour of closing the polls. And such sheriff, constable, or police-officer so refusing to obey such order shall be deemed guilty of a misdemeanor in office, and upon conviction thereof shall be punished by imprisonment for a term not to exceed six months nor less than three months, and by a fine of not more than five hundred dollars nor less than one hundred dollars.

SEC. 36. *Be it further enacted, &c.,* That the governor, any justice of the peace, alderman, mayor, judge, or any State officer who may be present at or have knowledge of any drinking-saloon, dram-shop, grogery, or place where liquor is sold by the glass or bottle, which is open contrary to the provisions of the foregoing section within the

limits therein prescribed, may, in writing, order any police-officer or constable any such liquors, or any carriages or vessels containing the same, or any booths erected within said limits for the purpose of exposing such intoxicating liquors.

SEC. 37. *Be it further enacted, &c.,* That the constable or police-officer to whom orders shall be delivered shall thereupon seize all such liquor, carriages, vessels or materials of any such tent or booth, and hold and detain the same until twelve hours after the close of the election; then to be delivered on demand to the owner or the person from whom they were taken, on the payment of ten dollars for the keeping of said articles.

SEC. 38. *Be it further enacted, &c.,* That if these effects be not thus demanded they shall be sold at public auction by the police-officer or constable making the sale, and the proceeds of such sale, after deducting costs of sale and safe-keeping, paid to the owner of the articles sold or the person from whom the same were taken.

SEC. 39. *Be it further enacted, &c.,* That no voter whose name is registered according to law shall be challenged at the polls on any question of residence, but it shall be the duty of the commissioners of election to require every person whose name appears on the registration-books to prove his identity if required by the commissioners of election; and any commissioner of election who shall receive a second vote on the day, by virtue of the same certificate of registration, and any person who shall vote a second time upon any certificate of registration, shall be deemed guilty of a misdemeanor, and on conviction thereof be fined or imprisoned, or both, at the discretion of the court, but the fine shall not exceed one hundred dollars in each case, and the imprisonment one year, and the like punishment shall, on conviction, be imposed on any commissioner of election who shall neglect or refuse to make the proof required as aforesaid on the said registration-certificate.

SEC. 40. *Be it further enacted, &c.,* That if any clerk of a court, or deputy of a court, or any other person, shall affix the seal of office to any naturalization-permit the same to be affixed, or give out, or cause or permit the same to be given in blank, whereby it may be fraudulently used, or furnish a naturalization-certificate to any person who shall not have been duly examined and sworn in open court in the presence of some of the judges thereof according to the act of Congress, or shall connive at, or in any way permit, the issue of fraudulent naturalization-certificates, he shall be deemed guilty of a misdemeanor; or if any one shall fraudulently obtain any such certificate of naturalization, knowing it to have been fraudulently issued, or shall vote or attempt to vote thereon, or if any one shall vote or attempt to vote on a certificate of naturalization not issued to him, he shall be guilty of a misdemeanor; and either or any of the persons, their aiders or abettors, guilty of either of the misdemeanors aforesaid, shall on conviction be fined in a sum not exceeding one thousand dollars and imprisoned in the penitentiary for a period not exceeding three days.

SEC. 41. *Be it further enacted, &c.,* That if any person, on oath or affirmation before any court in the State, or officer authorized to administer oath, shall, to obtain a certificate of naturalization for himself or any other person, willfully depose, or affirm any matter to be fact, knowing the same to be false, or shall, in like manner, deny any matter to be fact, knowing the same to be true, he shall be deemed guilty of perjury; and any certificate of naturalization issued in pursuance of any such oath or affirmation shall be null and void; and it shall be the duty of the court issuing the same, upon proof being made before it that it was fraudulently obtained, to take immediate measures for recalling the same for cancellation; and any person who shall vote or attempt to vote on any paper so obtained, or who shall in any way aid or abet, or have any agency whatever in the issue, circulation, or use of any fraudulent naturalization-certificate shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall undergo an imprisonment in the penitentiary for not more than two years, and pay a fine not more than one thousand dollars for every such offense, either or both, at the discretion of the court.

SEC. 42. *Be it further enacted, &c.,* That at all general elections the names of the candidates to be voted for in the city of New Orleans shall be written or printed on a ticket or slip of paper, and the number of the ward and election-precinct in which the ticket is to be voted for shall be printed or written on the outside fold thereof.

SEC. 43. *Be it further enacted, &c.,* That immediately upon the close of the day of election, the commissioners of the election at each poll or voting-place shall proceed to count the votes, as provided in section thirteen of this act, and after they shall have so counted the votes and made a list of the names of all the persons voted for, and the offices for which they were voted for, and the number of votes received by each, the number of ballots contained in the box, and the number rejected, and the reasons therefor, duplicates of such lists shall be made out, signed, and sworn to by the commissioners of election of each poll, and such duplicate lists shall be delivered, one to the supervisor of registration of the parish, and one to the clerk of the court of the parish, and in the parish of Orleans to the secretary of state, by all such commissioners in person, within twenty-four hours after the closing of the polls. It shall be the duty of the supervisors of registration, within two

hours after the receipt of all the returns for the different polling-places, to consolidate such returns to be certified as correct by the clerk of the district court and forward the consolidated returns with the originals received by him to the returning-officers provided for in section two of this act, the said report and returns to be inclosed in an envelope of strong paper or cloth, securely sealed, and forwarded by mail. He shall forward a copy of any statement as to violence or disturbance, bribery or corruption, or other offenses specified in section twenty-six of this act, if any there be, together with all memoranda and tally-lists used in making the count and statement of the votes.

SEC. 44. *Be it further enacted, &c.,* That it shall be the duty of the secretary of state to transmit to the clerk of the house of representatives and the secretary of the senate of the last general assembly a list of the names of such persons as, according to the returns, shall have been elected to either branch of the general assembly; and it shall be the duty of the said clerk and secretary to place the names of the representatives and senators elect so furnished upon the roll of the house and of the senate, respectively; and those representatives and senators whose names are so placed by the clerk and secretary, respectively, in accordance with the foregoing provisions, and none other, shall be competent to organize the house of representatives or senate. Nothing in this act shall be construed to conflict with article 34 of the constitution of the State.

SEC. 45. *Be it further enacted, &c.,* That any civil officer or other person who shall assume or pretend to act in any capacity as a commissioner or other officer of election to receive or count votes, to receive returns or ballot-boxes, or to do any other act toward the holding or conducting elections, or the making returns thereof, in violation of or contrary to the provisions of this act, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by imprisonment in the penitentiary for a term not to exceed three years nor less than one year, and by a fine not exceeding three hundred dollars nor less than one hundred dollars.

SEC. 46. *Be it further enacted, &c.,* That any person or persons who shall obstruct, hinder, or by violence or threats of violence, abusive language or other species of intimidation, interfere with a supervisor or commissioner of election, or with any person or persons duly appointed to execute orders of the supervisor of registration or commissioners of election in the discharge of their duties, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be punished by a fine not exceeding three hundred dollars, nor less than one hundred dollars, and by imprisonment for a period not exceeding three months nor less than one month.

SEC. 47. *Be it further enacted, &c.,* That any person or persons who shall counsel, aid, connive at, abet, encourage, or participate in any riots, tumults, acts of violence, intimidation, or armed disturbance, at or near the office of any supervisor of registration, on any day of registration or revision of registration, or at or near any poll or voting-place on any day of election, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period not exceeding two years nor less than six months.

SEC. 48. *Be it further enacted, &c.,* That any person who shall register, or cause to be registered, his name, or that of any other person, as a legal voter, in violation of law, or vote, or induce or cause another to vote, in violation of the laws, or of the constitutional provisions in such cases made and provided, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine of not more than five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a period of not less than one year nor more than three years.

SEC. 49. *Be it further enacted, &c.,* That any person or persons who shall purchase or cause to be purchased the registration-papers, or certificate of registration, of any person duly registered according to law, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a term of not less than one year nor more than three years.

SEC. 50. *Be it further enacted, &c.,* That any person who shall vote, or attempt to vote, on any false or fraudulent paper or certificate of registration, or upon any paper or certificate of registration issued to a person other than the one voting or attempting to vote on said paper or certificate of registration, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the penitentiary for a term not less than one year nor more than three years.

SEC. 51. *Be it further enacted, &c.,* That any person who shall induce, by offer of reward, by threats of violence, or otherwise, any person to vote, or attempt to vote, on any false or fraudulent paper or certificate of registration, or upon any papers or certificate of registration belonging to a person other than the one voting or attempting to vote on said paper or certificate of registration, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine not exceeding five hundred dol-

lars nor less than one hundred dollars, and by imprisonment in the penitentiary for period not exceeding three years nor less than one year.

SEC. 52. *Be it further enacted, &c.*, That any person who shall vote or attempt to vote more than once at the same election shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the penitentiary for a term of not less than three years.

SEC. 53. *Be it further enacted, &c.*, That it shall be the duty of any commissioner of election to forthwith arrest any person who shall vote, or attempt to vote, more than once, and commit him to the parish-prison, and to immediately file an information against such person with the district attorney, or the district attorney *pro tempore* whose duty it shall be to prosecute such person before the proper court; and upon his failure to do so, the attorney-general shall appoint some attorney to prosecute such person, and also to prosecute such district attorney, or district attorney *pro tempore* for such failure. Any supervisor of registration, commissioner of election, district attorney, or district attorney *pro tempore*, who shall refuse, neglect, or fail to comply with the provisions of this section of this act, shall be deemed guilty of a misdemeanor in office, and, upon conviction thereof, shall be removed from office and punished by a fine of not less than one hundred dollars, and imprisoned for not less than three months nor more than six months.

SEC. 54. *Be it further enacted, &c.*, That any person who shall by threats of discharge from employment, of withholding wages, or proscription in business, influence, or attempt to influence, any voter in the casting of his vote at any election, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars, which shall go to the school-fund of the parish, and be imprisoned in the parish-prison for not less than three months.

SEC. 55. *Be it further enacted, &c.*, That any person who shall discharge from his employment any laborer, employé, tenant, or mechanic, who shall have been working for such person under contract, written or oral, for a specified time, before such time shall have expired, or who shall withhold from any laborer, employé, tenant, or mechanic any part of the wages due to such laborer, employé, tenant, or mechanic on account of any vote which such laborer, employé, tenant, or mechanic has given or proposed to give, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars—one-half of which shall go to the school-fund of the parish in which the offense was committed—and by imprisonment in the parish-prison for not less than three months.

SEC. 56. *Be it further enacted, &c.*, That any person who shall molest, disturb, interfere with, or threaten with violence, any commissioner of election, or person in charge of the ballot-boxes, while in charge of the same, shall be deemed guilty of a felony, and, upon conviction thereof, shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary not less than one year, or both, at the discretion of the court.

SEC. 57. *Be it further enacted, &c.*, That any person, not authorized by this law to receive or count the ballots at any election, who shall during or after any election, before the votes have been counted, disturb, displace, conceal, destroy, handle, touch any ballot after the same has been received from the voter by a commissioner of election, shall be deemed guilty of a misdemeanor, and shall, upon conviction thereof, be punished by a fine of not less than one hundred dollars, or by imprisonment for not less than six months, or both, at the discretion of the court.

SEC. 58. *Be it further enacted, &c.*, That any person not authorized by this law to take charge of the ballot-boxes at the close of the election, who shall take, receive, conceal, displace, or in any manner handle or disturb any ballot-box at any time between the hour of the closing of the polls and the transmission of the ballot-box to the clerk of the district court, or during such transmission, or at any time prior to the counting of the votes, shall be deemed guilty of a felony, and, on conviction thereof, shall be punished by a fine of not less than five hundred dollars, or by imprisonment in the penitentiary for not less than one year, or both, at the discretion of the court.

SEC. 59. *Be it further enacted, &c.*, That it shall be unlawful for any person to carry any gun, pistol, bowie-knife, or any other dangerous weapon, concealed or unconcealed, on any day of election during the hours the polls are open, or any day of registration or revision of registration, within a distance of one-half mile of any place of registration or revision of registration, or election-poll. Any person violating the provision of this section shall be deemed guilty of a misdemeanor, and, on conviction, shall be punished by a fine of not less than one hundred dollars and by imprisonment in the parish-jail for not less than one month: *Provided*, That the provisions of this section shall not apply to any commissioner or officer of the election or supervisor of registration, police-officer, or other person authorized to preserve the peace on days of registration or election.

SEC. 60. *Be it further enacted, &c.*, That no person shall give, sell, barter any spirituous or intoxicating liquors to any person on the day of election, and any person found guilty of violating the provisions of this section shall be fined in a sum of not less

than one hundred dollars nor more than three hundred dollars, which shall go to the school-fund.

SEC. 61. *Be it further enacted, &c.*, That whoever, knowing that he is not a qualified voter, shall vote or attempt to vote at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

SEC. 62. *Be it further enacted, &c.*, That whoever shall knowingly give or vote two or more ballots voted as one at any election, shall be fined in a sum not to exceed one hundred dollars, to be recovered by prosecution before any court of competent jurisdiction.

SEC. 63. *Be it further enacted, &c.*, That whoever, by bribery or by promise to give employment or higher wages to any person, attempts to influence any voter at any election, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than one hundred dollars, and by imprisonment in the parish-prison for not less than three months.

SEC. 64. *Be it further enacted, &c.*, That whoever willfully aids or abets any one not legally qualified to vote at any election shall be fined in a sum of not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction.

SEC. 65. *Be it further enacted, &c.*, That whoever is disorderly at any poll or voting-place during the election shall be fined in a sum not less than twenty dollars, to be recovered by prosecution before any court of competent jurisdiction.

SEC. 66. *Be it further enacted, &c.*, That whoever shall molest, interrupt, or disturb any meeting of citizens assembled to transact or discuss political matters, shall be fined in a sum not less than fifty dollars, to be recovered by prosecution before any court of competent jurisdiction; any sheriff, constable, or police-officer present at the violation of this section shall forthwith arrest the offender or offenders, and convey him or them as soon as practicable before the proper court.

SEC. 67. *Be it further enacted, &c.*, That the court imposing any fine as directed in sections fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, and sixty-five of this act, shall commit the person so fined to the parish-prison until the fine is paid: *Provided*, That said imprisonment shall not exceed six months.

SEC. 68. *Be it further enacted, &c.*, That in cases where any oath or affirmation shall be administered by any supervisor of registration or commissioner of election in the performance of his duty as prescribed by law, any person swearing or affirming falsely in the premises shall be deemed guilty of perjury, and subjected to the penalties provided by law for perjury.

SEC. 69. *Be it further enacted, &c.*, That the violation of any provision of the act or section of the act repealed by this act shall not be considered as exempting the persons so offending from prosecution and punishment according to the provisions of said act.

SEC. 70. *Be it further enacted, &c.*, That any person duly appointed commissioner of election, and duly notified by the police-jury of such appointment, who shall fail to attend the election and perform the duties of commissioner as herein provided, except in case of sickness, shall forfeit the sum of one hundred dollars to the parish, to be recovered before any court of competent jurisdiction at the suit of the parish, to be prosecuted by the district attorney or district attorney *pro tempore*, who are hereby directed to proceed to collect such fine when it shall be brought to their knowledge.

SEC. 71. *Be it further enacted, &c.*, That this act shall take effect from and after its passage, and that all others on the subject of election laws be, and the same are hereby, repealed.

(Signed)

O. H. BREWSTER,
Speaker of the House of Representatives.

(Signed)

P. B. S. PINCHBACK,
Lieutenant-Governor and President of the Senate.

Approved November 20, 1872.

(Signed)

H. C. WARMOTH,
Governor of the State of Louisiana.

A true copy :

Y. A. WOODWARD,
Assistant Secretary of State.

AN ACT to repeal act No. 19 of 1873, entitled "An act to amend sections seven, eight, and seventy of an act entitled 'An act to regulate the conduct and maintain the freedom and purity of elections,' &c., which became a law February 4, 1873, and to revive, amend, and re-enact sections seven and eight of act No. 98 of 1872, entitled "An act to regulate the conduct and maintain the freedom and purity of elections," &c., approved November 20, 1872.

SECTION 1. *Be it enacted by the senate and house of representatives of the State of Louisiana in general assembly convened*, That act No. 19 of 1873, entitled "An act to amend and re-enact sections seven, eight, and seventy of an act entitled 'An act to regulate the

**conduct and maintain the freedom and purity of elections,' " &c., be, and the same i
hereby, repealed.**

SEC. 2. *Be it further enacted, &c.,* That section seven of act No. 98 of 1872, aforesaid be, and the same is hereby, revived, amended, and re-enacted so as to read as follows: That each parish in the State, except the parish of Orleans, is hereby fixed as an election-precinct, and the police-juries shall direct what number of polls or voting-places shall be established in each precinct; shall fix the places of holding the election, and appoint commissioners of election for each poll or voting-place. For the parish of Orleans, each ward of the city of New Orleans shall constitute a precinct, and the assistant supervisors of each ward shall fix the voting-places in each precinct and appoint commissioners to hold the election for each voting-place.

SEC. 3. *Be it further enacted, &c.,* That section eight of act No. 93 of 1872, aforesaid, be revived, amended, and re-enacted so as to read as follows: That the election at each poll or voting-place shall be presided over by three commissioners of election, residents of the parish for at least twelve months next preceding the day of election, who shall be selected from different political parties, and be of good standing in the party to which they belong, and who shall, before entering upon the discharge of their duties, take and subscribe the oath prescribed for State officers; should only one of the commissioners appointed be present at the hour for opening the polls, he shall appoint another, and both together shall appoint a third, and the commissioners so appointed shall take the oath and perform all the duties of commissioners of election in the same manner as if they had been appointed as provided for regular appointment of commissioners by this act; any one of the commissioners shall be authorized to administer the oath to the other commissioners.

SEC. 4. *Be it further enacted, &c.,* That all laws or parts of laws in conflict with this act be, and the same are hereby, repealed, and that this act shall take effect from and after its passage.

CHARLES W. LOWELL,
Speaker of the House of Representatives.

C. C. ANTOINE,
Lieutenant-Governor and President of the Senate.

Approved March 28, 1874.

WILLIAM P. KELLOGG,
Governor of the State of Louisiana.

A true copy :

P. G. DESLONDE,
Secretary of State.

APPENDIX TO TESTIMONY TAKEN IN CARROLL PARISH.

EXHIBIT A.—CARROLL PARISH.—S. DUNCAN GLENN, *Notary Public*.

Statement of votes, poll No. one, election-precinct of the parish of Carroll.

Statement of votes cast at poll No. one, election-precinct of the parish of Carroll, for senators and representatives, State and parish officers, at the general election held November 4th, 1872, under the provisions of "An act to regulate the conduct and to maintain the freedom and purity of elections," etc., approved March 16th, 1870.

Names of persons voted for.	For office of—	Number of votes.
Antoine Dubuclet.....	State treasurer.....	580
J. C. Moncure.....	“.....	21
Frank Morey.....	Member of Congress, 5th dist.	569
W. B. Spencer.....	“ “ “ “ “ “	33
* * * * *	* * * * *	*

Statement of votes—Continued.

Number of ballots in box.	Number of ballots rejected.	Reasons for rejection of ballots.
Six hundred and four, (604).....	One.....	Registration papers not properly filled out—Henry Washington.

STATE OF LOUISIANA,
Parish of Carroll, ss :

Personally appeared before me, the undersigned authority, David Jackson, E. M. Spann, and T. B. Rhodes, duly appointed and qualified commissioners of election of poll No. one, election-precinct of the parish of Carroll, for the general election held November 4th, 1872, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have witnessed the counting of the ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

DAVID JACKSON,
E. M. SPANN,
T. B. RHODES,

Commissioners of Election, Poll No. 1, Election Precinct of the Parish of Carroll.

Sworn to and subscribed before me this fourth (4th) day of November, 1874.

T. J. GALBRAITH,
Deputy Clerk, 13th Dist. Court.

OFFICE OF CLERK OF COURT, PARISH OF CARROLL,
Providence, La., May 4, 1875.

I certify that the foregoing is a correct transcript of so much of the original on file in my office as relates to the votes cast for State treasurer and for member of Congress.

Given under my official signature and seal of office this 4th day of May, A. D. 1875.
T. J. GALBRAITH,
Deputy Clerk.

EXHIBIT B.—CARROLL PARISH.—S. DUNCAN GLENN, *Notary Public.*

To the hon. judge of the 13th district court, in and for the parish of Carroll, State of Louisiana :

The petition of Nicholas Burton, Malachi DuBose, David King, C. Ed. Shearer, Jackson Snelling, Henry Price, and John Holloway, all residents of your said parish, with respect, show that at the last general election, held on the 2d day of November, 1874, they were candidates for the various parish offices, as follows: Nicholas Burton for sheriff of the parish, M. DuBose for parish judge, and David King, C. Ed. Shearer, Jack Snelling, Henry Price, and John Holloway for police jurors. They show that they have been unable at this time to know or find out what has been the legal result of said election for said offices. They aver that the election held in this parish on said day is null and void, because of various illegalities and irregularities in the appointment of commissioners to hold said election, in the manner of holding it, and frauds committed by the commissioners at the various polling-precincts, and the acts of other persons interested in said election, in violation of the statutes of this State and of the United States, known as the Enforcement act, as follows, to wit: That the commissioners appointed by the police jury to preside over the election at the various voting-precincts were not selected from the different political parties in the parish, nor were they of good standing in the parties to which they belong; that said commissioners did not, before opening the election, take the oath prescribed by law, nor did they examine the boxes before depositing the ballots therein, as the law specifies & directs; that the election in ward No. (1) one of this parish was not held at the legal precinct; that the election in said precinct for ward No. one (1) was held in a small room away from the public view of the voters of said ward; and a large number of the ballots cast in said ward were not placed in the box in the view of the voters, nor taken from their hands by the commissioners receiving the ballots; that the commissioner receiving the ballots, one David Jackson, was seen to change several ballots placed in his hands, and deposit in the box tickets other than those handed him by the voters; that

Cain Sartain, a candidate for the legislature, cast several different ballots at said election at said precinct; that the tally-sheets of the votes cast at said precinct were not closed and signed by six o'clock the day following the election, as the law requires; and that the same were changed after six o'clock on said day, and made out differently from what they were first made up after the election; that neither the tally-sheets nor the boxes containing the ballots cast in or at said precinct have been deposited in the office of the clerk of the district court, though one of the commissioners, David Jackson, is himself clerk of said court.

Shows further that the election in ward No. two, (2,) at the polling-precinct of the town of Providence, was held in the recorder's office, a small room in the court-house building, out of view of the public at large around the polling-precinct, and only approachable through a narrow hall in said building, in which were stationed persons claiming to be deputy constables, all of whom were in the interest of, or belonged to, the party or faction whose candidates were in opposition to your petitioners. That only persons wishing to vote were permitted to approach the ballot-box through this hall; and numbers of them were prevented by said officers from casting their ballots as they wished, or for the persons or candidates for whom they desired to vote. That Geo. C. Benham, a candidate for State senate, and Benjamin H. Lanier, claiming to be a constable, stood at the entrance of said hall and examined the ballots or tickets of a number of voters, and in several instances tore up said ballots and placed others in their hands. Shows that, after said election was closed, the commissioners proceeded to count the votes, and, after having counted some two hundred, they stopped, and did not renew the count until about eight o'clock the following morning, making an interim of at least ten (10) hours, the boxes during this time having been set aside in said recorder's office. Shows further, that the tally-sheets of the ballots cast at said precinct were not made up and signed by six (6) o'clock on the day following the election; nor has a duplicate of said tally-sheets, or the box containing the ballots cast at said precinct, been deposited with the clerk of the district court as the law requires, though eight days have expired since the date when said election should be closed; nor have your petitioners, though candidates for office, been able to see said tally-sheets or to inspect the same since the day of the election, though they have requested of the commissioners of election permission to do so, and have called at the clerk's office for that purpose. Petitioners show further, that in the Third (3d) ward or voting-precinct of this parish many persons would have voted for your petitioners for office, but were deterred from so doing by intimidation and violence used toward them by the adherents and supporters of their opponents.

That Robert K. Anderson, one of the commissioners of election at said precinct, when receiving the ballots, unfolded and examined a number of them, and in many instances blurred and stained them with ink. That a number of persons voted at said precinct for candidates opposed to your petitioners without exhibiting their certificates of registration. Shows that there were cast at said precinct or placed in the ballot-box twenty-three (23) more ballots than there were names of voters on the voting-list. That neither the ballot-boxes containing the votes cast at said precinct, nor duplicate tally-sheets of the ballots cast, with the names of the candidates for whom said ballots were cast, and the number of votes received by each of them, have ever been filed or deposited in the clerk's office of the 13th district court of said parish. That the said Anderson, commissioner as aforesaid, took possession of the box containing the ballots cast at said precinct and kept them in his possession at his dwelling, at least twelve (12) hours after the election closed, and, as your petitioners believe, is still in his possession. That he refused to count the ballots in the box after the election closed, though requested to do so. That P. Jones Yorke, a candidate for the legislature on the ticket opposed to your petitioners, acted as tallyman at said election in violation of law.

Petitioners show further that no duplicates of tally-sheets, containing the names of candidates voted for at precincts of wards Nos. four (4) & five (5,) showing the numbers of ballots cast at said election, have been deposited in the office of the clerk of the district court.

Petitioners show further that Robert M. Lacky, the supervisor of registration, did issue on the day of the election, to a number of persons, certificates of registration, though the registration of voters of the parish had been closed publicly, and upon said certificates parties receiving them voted at said election in the Benham interest.

Petitioners further show that by reason of all the illegalities and irregularities herein set forth, that the election for the offices for which they were candidates in your said parish, held on the second day of November, 1874, is null and void. They show that the salaries and fees of the offices for each which they were candidates, and to which they would have been elected had a free, fair and legal election been held, are worth over the sum of five hundred dollars.

The premises considered, your petitioners pray that their opponents for office, to wit, Charles Hicks for sheriff, Charles E. Moss, jr., for parish judge, and Willson Ferguson, Charles E. Nash, Merritt Mitchell, William H. Strouber, and Calvin M. Counts for police jurors for said parish, be duly cited to appear and answer hereto, and show cause why said

election should not be declared null and set aside. That upon due hearing hereof, said election be annulled and set aside by your honorable court. That if your honorable court, upon due hearing, shall decide that the election held at precincts Nos. four and five (4 & 5) were valid and regular and the failure to make the tally-sheets as required by law, and deposit the same, with the boxes containing the ballots cast at said precincts, in the office of the clerk of the district court, is not such an irregularity as would invalidate the election at said precinct, then your petitioners pray that they be declared duly elected to the respective offices for which they were candidates, they having received a majority of the votes cast at said precincts. Petitioners pray for trial by jury, and for costs, and for general relief.

MONTGOMERY & DE LONG,
Attorneys.

Petition of citizens asking an investigation.

To the honorable judge of the 13th district court in and for the parish of Carroll, State of Louisiana :

The undersigned petitioners, resident of said parish and State, with respect show that they have been informed of the contents of the foregoing petition, and from representations made to them of the facts of the allegations therein set forth, believe the same to be true and correct, and the ends of justice would be subserved by a complete and thorough examination of the same.

Wherefore they pray that your honorable court will give due hearing to the plaintiffs in said petition and cause all the facts alleged therein to be duly examined and decide thereon.

Respectfully,

J. W. DUNN.
R. K. JAYNE.
SILAS FULGUM.
his
GEORGE + HOPKINS.
mark
his
MAJOR FRANK + COOK.
mark
D. C. JENKINS.
J. W. McCUE.
ALEX. ARMSTRONG.
CHAS. EGELLY.
SIMON LEWIS.
E. L. LARCHE.
CHAS. M. PITCHER.
IRVIN DAVIS.
F. M. MELROSE.
JNO. SPINETTI.
JOHN O'BRIEN.
C. H. WEBB.
EDW'D SPARROW.
N. HOUGHTON.
SIMON WITKOWSKI.
D. L. MORGAN.

Attest:
SILAS FULGUM.

(Indorsement on foregoing petitions:) No. 6229. Nicholas Burton et als. vs. Charles Hicks et als. Filed November 11th, 1874. T. J. Galbreth, deputy clerk.

Answer.

NICHOLAS BURTON ET ALS. }
vs. }
CHAS. HICKS ET ALS. }

Now into court come defendants and deny each and every allegation of plaintiffs' petition. Show that the election referred to in plaintiffs' petition was substantially legal and fair in every respect, and that these respondents were duly elected by a majority of from five to seven hundred. Pray that plaintiffs' demand be rejected at their costs, and that respondents' right to the offices to which they were elected be recognized and confirmed.

LEONARD & KENNEDY.
DE FRANCE & AUSTIN.

(Indorsement:) Nicholas Burton et als. vs. Charles Hicks et als. Answer. Filed December 17th, 1874. T. J. Galbreth, deputy clerk.

Motion to produce ballot-boxes, &c.

13th district court, parish of Carroll, Louisiana.

NICHOLAS BURTON ET ALS. }
 vs.
 CHARLES HICKS ET ALS. }

The plaintiffs in the above-styled suit, by undersigned counsel, move the court order upon the clerk of this court, David Jackson, requiring him to produce in open court instant the ballot-boxes, with list of voters, duplicate tally-lists, and all other documents connected with the late general election held on the 2nd day of November, 1874, which are required to be deposited with him, to be used as evidence on the trial case.

MONTGOMERY & DELONG
Attys. for Plaintiffs

Order.

Upon reading and considering the foregoing motion, it is ordered that David Jackson, clerk of this court, produce in open court instant the ballot-boxes, duplicate tally-sheets, and all other papers and documents called for. Read and signed in open court on this the 17th day of December, A. D. 1874.

WADE H. HOUGH
Judge 13th District

(Indorsements:) 6229. Motion. Filed Decr. 17th, 1874. T. J. Galbreth, deputy clerk.

NICHOLAS BURTON ET ALS. }
 vs.
 CHAS. HICKS ET ALS. }

David Jackson, clerk of the 13th judicial district court of Louisiana, in and parish of Carroll, comes into court on the 18th day of December, 1874, and for answer to the order served upon him to produce the election-boxes and returns required by law to be deposited with him, says that no returns of the election have ever been delivered to him; and that he knows nothing of said returns, except those of the 1st ward, in which he was a commissioner of election; that the returns of that ward he delivered to the supervisor of registration, R. M. Lackey; that he appointed R. K. Anderson clerk to receive the election-boxes and returns; that the box of the 1st ward was delivered to said Anderson himself; that he knows nothing of the other boxes and returns, if any there are, but supposes they are in the possession of said Anderson, clerk; that said Anderson was appointed deputy clerk as aforesaid because affiant did not think it safe to leave the boxes and returns in the clerk's office, there being no place in said office in which they could be kept under lock and key; that affiant has no interest in the contest, and that he has acted in the premises without any intention of punishing or favoring any party.

DAVID JACKSON

Sworn to and subscribed before me this the 18th December, 1874.

WADE H. HOUGH
Judge 13th District

(Indorsements on Jackson's answer:) No. 6229. Nicholas Burton et als. vs. Charles Hicks et als. Clerk's answer to order to produce election returns, &c. Filed 18th, 1874. T. J. Galbreth, deputy clerk.

Motion on R. K. Anderson to produce election-returns, &c.

13th district court, parish of Carroll, Louisiana.

NICHOLAS BURTON ET ALS. }
 vs.
 CHARLES HICKS ET ALS. } No. 6229.

The plaintiffs in this suit, by their undersigned counsel, move the court for an order upon R. K. Anderson, whom the clerk states is his deputy clerk, to produce, in open court, instant, the ballot-boxes, tally-sheets, and all other papers in his possession relating to late general election, held on 2nd day of November, 1874, in this parish, which by law are required to be deposited with the clerk of the district court, to be read as evidence herein.

MONTGOMERY & DELONG, *Attos.*

Order.

Upon reading the foregoing motion, it is ordered that R. K. Anderson produce in open court, on the 19th instant, by 10 o'clock a. m., the ballot-boxes, tally-sheets, and all other papers in his possession above set forth relating to the general election held in this parish on the 2nd day of November, A. D. 1874, which by law are required to be delivered to the clerk of the district court.

Done and signed in open court on this the 18th day of December, 1874.

WADE H. HOUGH,
Judge 13th District.

Return.

Received, Providence, La., December 18th, 1874, the within order and a certified copy of same, and on the same day, month, and year, I searched diligently, but could not find the within-named R. K. Anderson in the parish of Carroll; learned that he had gone to New Orleans. I left the said copy at his residence in this parish. I handed same to Gus. Davis, a free person above the age of fourteen years, at and residing at the residence of said Anderson.

JOHN ASBERRY,
Coroner.

(Indorsements:) 6229. Nicholas Burton et als. vs. Charles Hicks et als. Motion on R. K. Anderson to produce ballot-boxes, &c. Filed December 18th, 1874. T. J. Galbreth, deputy clerk.

Motion to continue.

NICHOLAS BURTON ET ALS. }
vs. }
CHARLES HICKS ET ALS. }

In this case come plaintiffs and move to continue the cause, upon the following grounds, to wit: That the ballot-boxes containing the ballots cast at the election held on the 2nd day of November last, with the returns of said election and tally-lists of said election are material evidence in this case; that they expect to show by said ballots and returns that there was no legal election held on 2nd day of November in this parish; and that the said ballots and returns have been so tampered with that no election can be declared in this parish; they show that they went into the trial of this case under protest, asking for time till said boxes, ballots, and returns could be produced in court; that the court thought best to proceed with the case, as the documents called for would, in all probability, be produced by the clerk, the custodian of the same, on the next day, he then being absent, with the consent of the court. It has since transpired that the clerk of the court was not in possession of the documents, but claims that they are in the possession of one R. K. Anderson, a deputy of his, appointed to take charge of same; that said Anderson cannot be found, and plaintiffs have been taken by surprise in the extraordinary action of the clerk and his deputy in not producing said documents; they show that they are informed that they can prove by one Kelly, clerk of the steamer Pargoud, that said Anderson has taken said boxes and returns out of the parish and State; that they cannot proceed further with the trial of this case without these documents, which they do not believe can be produced this term of court; that they have made every effort, by orders on said R. K. Anderson and the clerk, to obtain said documents, and were led to believe a short while before going into the trial of this case, by conversations with David Jackson, clerk, that said documents were in his possession; that they do not make this motion for delay, but that the ends of justice may be subserved.

Wherefore they pray that said suit be continued, and for general relief.

MONTGOMERY & DELONG, *Attorneys.*

Nicholas Burton and M. Du Bose, being duly sworn, say the allegations and facts of the foregoing petition are true and correct, as therein set forth.

M. DU BOSE.
NICHOLAS BURTON.

Sworn and subscribed to before me, this the 21st day of December, 1874.

WADE H. HOUGH,
Judge 13th District.

Amended motion for continuance.

NICHOLAS BURTON ET ALS. }
vs. }
CHARLES HICKS ET ALS. }

Now come plaintiffs, and with leave of court amend their original motion for a continuance, and show that they expect to prove by the ballot-boxes and returns

that the returns were not made out and sworn to as the law requires, and they will not show the same result as the ballot in the boxes.

MONTGOMERY & DELONG,
Att'ys Nicholas Burton.

Sworn to and subscribed before me this 22d day of December, A. D. 1874.

(Indorsements:) 6229. Amended motion. Filed Dec. 22, 1874. T. I. Galbreth, d'y clerk.

Note of evidence.

N. BURTON ET ALS. }
 vs. } Note of evidence.
CHARLES HICKS ET ALS. }

D. S. VINSON, sworn, says:

I was present at the polling-precinct of ward No. one (1) the day of the last general election. I went around the house in which the election was held, and saw no place to get into the ballot-box. I found the people voting at a window in the house. The window was about seven (7) feet high. I could only see one man in the house. I could not see the ballot-box. They managed to vote by some reaching up to the window and some by splitting a stick and putting the ballot on the end of it and holding it up to the window. I did not vote because I did not have time, as I did not wish to push in among them. I suppose I could have voted after a while. No one prevented me from voting. No one interfered with me while I was there. I did not see the ballot-box in fair view of the voters, and no one could see it, as I am as tall as most any man. The main vote was put in from the outside. I looked for an entrance in the house in which the vote was cast, and could find no entrance. I went to the corner where the United States flag was flying, supposing that to be the entrance, and was told that that was not the place, that I would have to go to the window. I saw only a few vote on sticks, as I was there only a short while.

Cross-examined:

No one prevented me from voting while I was there. I saw no ill-feeling of any kind—all harmony so far as I know of. Everybody voted that wanted to, so far as I know. I observed nothing wrong except the voting on sticks, and that was a new style to me. Those voting on sticks were those standing a distance from the window and reaching over the heads of others who were close up to the window. I would have tried to vote in this way myself if could have got a stick. Those voting on sticks appeared to be in a hurry to vote. I suppose if the man standing at the window was receiving the votes he could see the man voting if he tried.

Re-examined:

There were pieces of boards nailed up and down the window so that the man standing inside at the window could not put his hand out. The slats were about two (2) inches or two and a half (2½) or three (3) inches apart. The person voting with his hand would have to be immediately under the window.

Cross-examined:

I went there about eleven o'clock and didn't stay over an hour.

STEWART DALTON, sworn, says:

I was present a part of the day at the voting-precinct of ward No. one (1) when the election was held on the 2d day of November last. The voters were voting at the window. The most of the voters voted with their hands, and some few voted with the sticks. The window where the votes were put in was about six & a half (6½) or seven feet from the ground. I could reach up my hand very well about a foot in the window. There was a man between me and the house when I voted. When I voted, from where I stood I could not see the ballot-box without stepping back a piece. I could see the commissioners well enough to tell who they were. I also saw Nicholas Burton, the sheriff, inside about the ballot-box. The ground was very good and smooth. I had no difficulty on account of the ground.

Cross-examined:

I saw no fraud or ill-practices while I was there, unless the voting on sticks, and I do not know that that was a fraud. I saw only a few vote on sticks, as I was there only from about twelve (12) o'clock until night. I did not notice more than two or three that voted on sticks. I know that the commissioners told them that they could not vote any more on sticks. This order, I understood, was announced by Mr. Mayer. This was spoken by one of the commissioners. I suppose it was about two or three o'clock when the commissioners stopped the voters from voting on sticks. I did not

see the commissioners receive any more votes from sticks after this order was given. Between 12 o'clock and 3 I saw only three or four voting on sticks. I saw no ill-practices or intimidation at said polling-precinct of ward No. one, (1.) I was around among the crowd during the time I was there. There seemed to be several persons inside the room, others than the commissioners—some four or five. The voting was carried on in an open manner. From the circumstances I thought the arrangement for voting at the window was a very good one. The voting-place was perfectly easy of access.

E. M. SPANN, sworn, says :

I was a commissioner of ward No. one at the last general election. Mr. David Jackson and myself came to Providence with the First-ward box, and deposited said box in office of the clerk. The clerk of the court, Mr. Jackson, gave me his receipt for the box. We then went over to Mr. Lackey's office, and I believe Mr. Jackson gave him a copy of the returns. Mr. Lackey then demanded the box, and Mr. Jackson and myself both refused to give said box to him, and told him that we did not know that he had any right to demand the box. I left Mr. Jackson and Lackey talking about the box, and I went down stairs. I saw Mr. Jackson some time afterward, can't say how long, and asked him what he had done with the box, and he told me had deposited it with Mr. Anderson for safe-keeping, and held his receipt for same. This was on Wednesday after the election, about ten o'clock. The tally-list of ward No. one was in the box. The ballots were in the box also. I cannot give the exact number of votes received by each candidate for office at said election, without referring to the tally-list. Mr. David Jackson, who acted as commissioner with me, was clerk of the court. I think we, the commissioners at said box, made out two tally-lists of the votes cast at the polling-precinct of ward number one.

Cross-examined :

I was present the whole day from the opening to the closing of the election at said precinct No. 1.

E. MAYER, sworn, says :

I was present at precinct number one in this parish at the last election, on November 2, last. I acted as deputy United States supervisor. I kept a list of the voters and a tally-list of the votes cast for each candidate at said election. The election was held on the "Airlie plantation," in an out-building on the public road. I got there about eight o'clock in the morning. I found the ballot-box at the door of the building. I went in through back door. The box was kept at the door about a half hour after I got there. It was then put to the side window. It was between two or three feet from the window. The place was an opening for a window, with wooden bars nailed up and down it. The window was about six or seven feet from the ground, according to my estimation. I do not think one voting from the outside could see his ballot put in the box. The box was sitting on the table, which was about the same height as the window. Mr. David Jackson received the ballots as they were handed in. I did not see Mr. Jackson drop any ballots as they were handed in to him. From the time the box was put at the window to about three o'clock, about three-fourths of the ballots voted were taken from sticks. I assisted in making out a list of the votes cast. The tally-list was closed and signed about seven o'clock Tuesday evening. I assisted in counting the tally-list. I was at that time quite familiar with the number of votes cast for each candidate. I cannot state without reference to the tally-list the number of votes cast for each candidate, except for some higher offices. I do not know what became of the tally-sheets. I left two of the tally-sheets with the commissioners ; one I kept.

Cross-examined :

I did not keep a list of voters, only kept a list while the votes were being counted. I was present from the time of my arrival until the closing of the polls ; was at the box all the time, except about half an hour at two different times. I watched the progress of the election closely. Had there been any fraud or malpractice in depositing the ballot in the box I would have seen it. There was no fraud or malpractice in the voting so far as I know of. I did not see Mr. Jackson put in any wrong ballot, except that one voter handed up on a stick two tickets with his registration-paper, which dropped on the floor, and Jackson put in only one of the two. One of the tickets was a red one, and one was a white one, and he put in the red ticket. I objected to the voting on sticks about an hour after they had commenced. They commenced voting on sticks about half past eight. After I had objected to the voting on sticks it was stopped, but only for a very short while. From between twelve o'clock until three o'clock I suppose there must have been about one hundred and fifty votes cast. About three-fourths of this number were handed up on sticks. Mr. Nicholas Burton and Mr. Moss were inside the room with the ballot-box during a part of the day. Mr. Burton was there a greater

part of the day. The tally-sheet I kept I sent Mr. Blount, the United States supervisor for the parish. I was sworn in by David Jackson, as deputy United States supervisor.

Re-examined :

I could not tell the voters who handed in the ballot on sticks. Sometimes I could tell. The voting on sticks was so frequently disagreeable that the commissioners had to move the box about a foot back to perform their duties.

Cross-examined :

I could tell most of the voters who handed up their votes on sticks. I could see the men whose certificates would come in on the stick sometimes, but could not tell whether or not he put it in. I sometimes called the names of persons handing in their registration-papers and votes on the sticks, and when I called them they always answered, or I would not receive their tickets. Some of the voters stood twenty-five feet from the window, and handed in their votes on polls about twenty-five feet long. I do not know of any ballot handed up on a stick except by a qualified voter.

ANDREW CUNNINGHAM, sworn, says :

I was at the election at poll No. one (1) of this parish on the day of the election last. The ballot-box was in the room of a house on Capt. Rhodes's place. I do not think the ballot-box was in full view of the voter. I did not see anyone vote but myself. When I went up I saw a crowd around a window with a number of sticks, and was informed that there was where they were voting. I think the window is between six and seven feet from the ground.

Cross-examined :

I voted inside. I saw my ballot put in the box. The box was in front of the window ; a man on the outside, some distance from the wall, might see the box. I mean by the box not being in full view that a man standing right up against the window could not see the box. I did not go to the window to see the height. It is merely the impression of mine that the box was not in full view of the voter.

HENRY ATKINS, sworn, says :

I was at the election precinct No. one (1) of this parish on the second day of November last. I saw one man cast more than one ballot on that day ; he cast three to my knowledge, and I asked him why he did it, and he said he was doing it for some other person. I saw them vote on sticks on that day. I came to the polls about half past seven o'clock, and they were then voting at the door. There was quite a number voted on sticks, one hundred and fifty or two hundred, (150 or 200.)

Cross-examined :

The man who voted several times was Cain Sartain. Cain Sartain told me they were for other voters. Of these ballots the commissioners called names and passed back the registration-papers and did not call Cain Sartain's name. I handed in tickets the same as Sartain and the commissioners refused until I called their remembrance to Sartain, and they then allowed me to do the same. I was a candidate, on the opposite ticket to Mr. Sartain, for the legislature. I made no objection to the commissioners to Sartain's passing votes. I was there at the time.

T. F. MONTGOMERY says :

I was at the voting-precinct No. 2 (two) of this parish on the 2d day of November last. The tally-list was closed and signed Tuesday night following the election, between eight and ten o'clock. I was a commissioner of election at said precinct. All the tally-lists and ballots were locked up in the box after the counting of the votes. The tally-sheets were not signed that night ; I did not sign the tally-sheets at all.

Cross-examined :

The reason I did not sign the tally-sheet that night was because the commissioners did not think the law compelled them to do so. It was not on account of any unfairness or irregularity in the election at said polling-precinct at the time of closing the poll that I did not sign them. The tally-list was correct at the time it was made out. We completed the list some time during Tuesday night following the election, between ten and eleven o'clock ; I won't be positive about the time, but it was after dark. The election, the counting of ballots, and making out of tally-lists at said precinct was fair while I was present ; there was no frauds or irregularities in the voting or counting of votes or in making out of tally-sheets at said precinct, so far as I know of ; if there had been any I would have been apt to have known it, for I watched very closely.

Recalled :

The commissioners did not, while I was with them, make out a list of all the persons voted for, the offices for which they were voted, the number of votes received by each, and sign and swear to the same. I never did sign such a list. I don't know that the box containing the tally-list was deposited with the clerk of the district court. He counted the votes, and made record of what each man received, and put down the name of each candidate, and the offices for which they were voted, and the number of votes each man received. There were three such tally-lists as above described made out by the commissioners. On closing the polls, each commissioner swore to the number of votes polled.

Re-examined :

They did not swear to the above returns in my presence.

Defendants admit that the returns made out at the last election in this parish were not made out and sworn to as the law requires, and the ballots in the box for ward No. (1) one will not show the same result as the returns.

(Plaintiffs now close.)

DAVID JACKSON, sworn, says :

I was one of the commissioners at the voting precinct of ward No. one (1) at the general election on November 2, 1874. The election was carried on fairer than I ever saw it before. Mr. Burton, the candidate for sheriff, was present during the entire day. He was in the room all the time. I heard no complaints made by Nicholas Burton whatever; he was there until we commenced counting the votes until we closed, and signed one of the tally-lists, and afterward erased his name. No one was compelled to vote on sticks. I heard no objection on the part of Burton or any one else to the way the election was conducted. I have made diligent search for the boxes and returns of the last election and have not succeeded in finding them. The returns and boxes are not in my office. I looked in the only place that I had any idea they could be. I have inquired of different parties whether they knew anything about where these ballots, boxes, and returns. I have done everything since the commencement of the trial of this case to get the boxes and returns.

Cross-examined :

I suppose the returns and boxes are in the hands of my deputy, R. K. Anderson. I have not asked Anderson for the boxes and returns since the commencement of this suit. I do not know that there was any bribery, or anything going on unfair on the outside. I believe the election was fair outside.

J. E. LEONARD, sworn, says :

I have made diligent search on the part of Mr. Jackson and my clients herein for the ballot-boxes and returns. I have done everything in my power by search and inquiry to get these boxes and returns.

S. P. AUSTIN, sworn, says :

I was present at the Second ward or voting precinct of this parish at the last general election. I got to the polls about half past six or seven o'clock, and remained there until about half past one or two o'clock that night. I was present at the counting of the votes nearly all the time. The returns were made according to the ballots in the boxes. I saw no frauds, cheating, or bribery going on about the voting precinct. I am pretty certain I would have seen it if there had been any.

Cross-examined :

I was a candidate for magistrate of the ward at the last general election.

DUB ANDERSON, sworn, says :

I was a commissioner at the 3d ward precinct at the last general election.

T. J. GALBRETH, sworn, says :

I was present at the 1st ward precinct at the last general election. I got there about six o'clock in the morning. The box was then placed at the door of the house. The voter could then see his vote placed in the box. The box remained at the door for some time. It was moved from the door to a window in the house. The window was a good place. It was placed at the window on account of the voters crowding the box. Many would remain at the box after depositing their ballots, thus preventing many from voting who wished to. There was a shutter at the window and no sash.

The shutter was open. There was some slats nailed up and down the window. the day, two of the slats were pulled off. The slats being on the window did vent any one from voting. There was nothing to prevent any one from voting pleased. The slats were between two and a half and four inches apart, and the reaching up with their ballots and registration-papers, did put their hands betw slats, and the commissioners did receive them. One of the slats during the was pulled off by some one on the outside during the rush for voting. The pulled off one slat himself. This happened after twelve o'clock. Witness sta until the closing of the polls. The voting was done within an hour of the cl the polls. Witness saw Mr. Nicholas Burton, candidate for sheriff, there. Du early part of the day Mr. Burton was standing near Mr. David Jackson, by the box; was in and out during the rest of the day. There were some of the handed up to the commissioners on sticks; there might have been fifty or seve votes handed up in this way. There were no poles on the ground twenty-five fe The longest was not more than seven feet long. The ballots that witness s deposited in the box by the commissioners as they were handed in by the voter ness was there during the entire counting of the votes, and assisted in making tally-sheets. Mr. Burton was there during the counting of the votes, and k result was against him; he made no objection; he made no charge of frau window where the voting was done was between five feet and six and one-t high.

W. W. BENHAM, sworn, says :

I was present, was one of the commissioners, at the 2d ward polling-pre this parish at the last general election. Was there during the whole day. Th no fraud or ill practice at said poll during the whole day, that I could see. Th were deposited in the ballot-box as they were received from the voters. I was during the counting of the votes. The votes were counted as they were tak the box. Both of the other two commissioners were there during most of t and two of us were there all the time. I don't think there was any objection the receiving or counting of the votes. We counted the vote until about h three o'clock Tuesday morning. I did not go to sleep until the entire v counted. And we commenced recounting about half past four or five o'clock morning. Think we stopped counting about Tuesday or Wednesday evening dark.

T. B. RHODES, sworn, says :

I was one of the commissioners of election at voting precinct No. one (1) parish at the last general election. N. Burton was there during the day. I hear him make any objections to the way the election was conducted. I hear say, four days after the election, that the election was fairly conducted, excep opinion, I made a mistake of eleven ballots, in counting off, against him, and sons that were not allowed to vote would have voted for him had they been to vote. He made no objection at the election, or after the counting of the that I heard. The exact height of the window where the ballot-box was p five feet nine inches. No one was compelled to vote on sticks. Those pers were anxious to vote for fear of not having time to vote got sticks and plac ballots on the end and handed them up to the commissioners. The smallest n I know of could vote by handing his ballot up to the commissioners with h The officers did not keep order at the door, and the voters rushing against t piece on the door broke it off. And for the purpose of getting through the we moved to the window.

(Defendants now close.)

NICHOLAS BURTON, sworn, says :

I was at the voting precinct No. one (1) of this parish. I did see Mr. J the commissioner who received the ballots, change one of the ballots as it was in to him. I spoke to him about it. I measured the distance from the window ground, and it measured six feet and ten inches. There was a knowl under the from which, if measured, would make it six feet and ten inches; another plac more. The knol'e looked like it was beside of the ditch-bank. There could man stand on the knol'e at a time. I made an examination of this matter ab days after the election.

CARSON JOHNSON, sworn, says :

I was present at the election in the First ward in November last. Mr. Jac received the votes. I saw the ballots handed up very high. I could not see the

where they went to. With the papers that were returned, some had money returned with them; some had one, some two, and some three bills. I heard two cry out, "O, Jackson, greenbacks," and when the papers came back they had greenbacks with them.

Cross-examined:

I was there altogether two-thirds of a day. These greenbacks came out after twelve o'clock. This cry was loud enough for anybody to hear.

I hereby certify that the above is all the evidence adduced on the trial of the foregoing-entitled cause.

Given under my hand this the 22d day of December, A. D. 1874.

T. J. GALBRETH,
Deputy Clerk.

(Endornements:) 6229. N. Burton et als. vs. Chas. Hicks et als. Evidence filed December 22d, 1874. T. J. Galbreth, deputy clerk.

Verdict of the jury.

NICHOLAS BURTON ET ALS. }
rs.
CHARLES HICKS ET ALS. }

The verdict of the jury is, that the matter in this cause be referred back to the people and a new election be held.

GEORGE FOSTER.
Foreman.

Judgment.

13th district court, parish of Carroll, State of Louisiana.

NICHOLAS BURTON ET AL. }
rs.
CHARLES HICKS ET AL. } No. 6229.

This case being taken up for trial, after due hearing of same, and argument of counsel, by reason of the law and the evidence and the verdict of the jury, to wit, "The verdict of the jury is, that the matter in this cause be referred back to the people, and a new election be held," signed 'Geo. Foster, foreman,' being in favor of plaintiffs: It is therefore ordered, adjudged, and decreed that the matter set forth in the petition be referred to the people; that a new election be held for the office of sheriff, parish judge in and for the parish of Carroll, and that the officers charged with holding said election in said parish, shall proceed to hold said election on the fourth Monday after the term of court, to wit, Monday, the 18th of January, A. D. 1874, after giving fifteen days' notice of said election at each precinct at which said election is to be held, and that defendants pay cost of this suit.

Read and signed in open court this 23d day of December, A. D. 1874.

WADE H. HOUGH,
Judge Thirteenth District.

Exception of Hicks.

NICHOLAS BURTON ET AL. }
rs.
CHARLES HICKS ET AL. } No. 6229.

Now into court comes Charles Hicks, one of the defendants in the above entitled cause, and excepts that he is improperly joined with the other defendants in this suit; that he has no identity of interest with them, nor are his interests in the subject-matter of said suit in any way connected with theirs, and he cannot therefore be sued in the same action. Excepts further that he has been improperly sued by the several plaintiffs in the above suit; that the petition discloses that Nicholas Burton alone, if any one, has a cause of action against this respondent, and that he cannot cumulate his action with that of others whose interests are entirely distinct from his, and who have no right upon their own showing to bring a suit against the respondent.

Wherefore he prays that he may be hence dismissed with his costs.

LEONARD & KENNEDY, Attys.

(Endorsement:) 6229. Nicholas Burton et al. vs. Charles Hicks et al. Exception of Charles Hicks. Filed December 7, 1874. J. T. Galbreth, deputy clerk.

(C. E. Moss, jr., candidate for parish judge filed an exception identical with that of Hicks.)

Exception of W. H. Stroube.

NICHOLAS BURTON ET AL. }
 vs. } No. 6229.
 CHAS. HICKS ET AL. }

Now into court comes William H. Stroube, one of the defendants in the entitled and excepts: First, that he was improperly joined with the other defendants in this suit; that his interest in the subject-matter of said suit is distinct from and that he cannot, therefore, be sued in the same action; and, further, that the plaintiffs named in said suit have no right upon their own showing to join in one against this respondent; that it does not even appear which one of said plaintiffs tests the right of the defendant to his office; that no more than one person could sue such suit against respondent, and that such person could not be joined in his suit with other persons claiming different offices; except, further, that this hon. court is without jurisdiction as to this defendant, the value of the office which he claims, of which plaintiffs seek to deprive him not being over five hundred dollars, his salary for the entire term being not equal to that sum.

Wherefore he prays that he may be hence dismissed with his costs.

LEONARD & KENNEDY, .

(Willson Ferguson, Merritt Mitchell, Chas. H. Nash, & C. M. Counts, candidates for police-jurors, filed an exception identical with that of Wm. H. Stroube.)

(Endorsement :) 6229. Nicholas Burton *et al.* vs. Charles Hicks *et al.* Excepted of Wm. H. Stroube. Filed Decr. 7th, 1874. T. J. Galbreth, d'y clerk.

Order granting appeal.—(Extract from minutes.)

NICHOLAS BURTON ET AL. }
 vs. } No. 6229.
 CHARLES HICKS ET AL. }

On motion of defendant's counsel in open court, plaintiffs' counsel being present and taking cognizance of same, a suspensive appeal is granted the defendants herein giving bond with good and solvent security in the sum of one thousand dollars and the appeal is made returnable to the supreme court of the State of Louisiana at the city of New Orleans, Louisiana, on or before the 2nd day of January, 1875.

Appeal bond.

13th district court.

STATE OF LOUISIANA,
 Parish of Carroll :

NICHOLAS BURTON ET AL. }
 vs. } No. 6229.
 CHAS. HICKS ET AL. }

Know all men by these presents that we, Chas. Hicks, C. E. Moss, jr., Chas. H. Wm. H. Stroube, C. M. Counts, Merritt Mitchell, and Wilson Ferguson as principals, W. L. McMillen, E. C. Manning, J. E. Leonard and Francis Hays, as securities, are and firmly bound unto David Jackson, clerk of the 13th district court, in the sum of one thousand dollars lawful money of the United States of America, to be paid by said Jackson, clerk, or his successors in office; for the payment of which well and truly to be made, we bind ourselves, our heirs, executors, administrators, and assigns by these presents, this the 28th day of December, A. D., 1874. Whereas the said parties, Chas. Hicks, C. E. Moss, jr., C. H. Nash, W. H. Stroube, C. M. Counts, Merritt Mitchell, and Willson Ferguson have obtained an order for a suspensive appeal from the judgment rendered against them in the above suit upon their giving bond with good and solvent security in the said sum of one thousand dollars: Now the condition of the obligation is that if the said parties shall well and truly prosecute their said appeal and shall pay whatever judgment may be rendered against them, and shall satisfy their costs in case they be cast in the appeal, then this obligation to be void; otherwise it shall remain in full force and virtue.

W. L. McMILLI
 E. C. MANNING
 J. E. LEONARD
 FRANCIS M. H.

(Endorsement :) Filed Dec. 28th, 1874. T. J. Gilbrath, d'y clerk.

13th district court.

STATE OF LOUISIANA,
Parish of Carroll:

I, David Jackson, clerk of the 13th district court in and for said parish and State, do hereby certify that the foregoing forty-five (45) pages do contain a true copy and transcript of all the pleadings and documents filed, all the proceedings had, and of all the evidence adduced in the case of *Nicholas Burton et al. vs. Charles Hicks et al.*, No. 629 on the docket of said court, except the citations and subpoenas.

Given under my hand and seal of office this the 8th day of May, A. D. 1875.

[SEAL]

DAVID JACKSON,
Clerk 13th District Court, Parish of Carroll, La.

Supreme court of the State of Louisiana.

CLERK'S OFFICE, NEW ORLEANS,
May 17th, 1875.

NICHOLAS BURTON ET ALS. } No. 5521. Appeal from the 13th district court, parish of
rs. } Carroll.
CHARLES HICKS ET ALS. }

Mr. Chief-Justice LUDELING delivered the opinion and decree of the court in the words and figures following, to wit:

A motion to dismiss this appeal has been made, on the ground that the certificate to the transcript is signed by the deputy clerk.

The motion is refused for the following reasons:—

1st. Because the motion was not filed within three judicial days after the return day, (17th An., 21; 18 An., 191; 19 An., 276; 20 An., 30; 21 An., 329; 11 An., 545; 7 N. S., 271.)

2d. Because a defect in a certificate would be no cause to dismiss an appeal, the fault being attributable to the officer whose duty it is to make the certificate. (Revised Statutes, sec. 36.)

3d. Because a deputy-clerk is an officer known to the law and he is authorized to sign certificates. (C. P., 782; 3 An., 247, *Dowus vs. Parkington*; 15 La., 33, *Bank of La. vs. Watson*.)

ON THE MERITS.

Seven persons who were candidates on the same ticket for different offices, to wit: Nicholas Burton, for sheriff; M. Dubose, for parish judge; David King, C. E. Shearer, Jackson Snelling, Henry Price, and John Hallway, for police jury, instituted this suit against the persons who were candidates for said offices on the other ticket, at the election in Carroll Parish, in November last.

They allege that the election was null and void "because of the various irregularities and illegalities, in the appointment of commissioners to hold the election, in the manner of holding it, and frauds committed by the commissioners at the various polling-precincts, and the acts of other persons, interested in the election, in violation of the statutes of the State and of the United States, known as the enforcement act, as follows," to wit: That the commissioners were not selected from the different political parties, nor were they of good standing; that said commissioners did not take the oath prescribed by law, nor did they examine the ballot-boxes before commencing to receive votes.

That the election in ward No. One was not held at the proper place; that the election in said ward was held in a small room away from the public view of the voters; and a large number of the ballots or votes cast in said ward were not placed in the box in view of the voters, nor taken from their hands by the commissioner receiving the ballots.

That the commissioner, Jackson, who received the ballots, was seen to change several ballots placed in his hands, and deposit in the box tickets other than those handed him by the voters.

That Cain Sartain, a candidate, cast several different ballots at said election at said precinct. That the tally-sheets of the votes cast at said election were not closed and signed by six o'clock the day following the election. That the same were changed after six o'clock on said day and made differently from what they were first made up after the election. That neither the tally-sheets nor ballot-box containing the ballots cast at said precinct have been deposited in the office of the clerk of the district court, although Daniel Jackson, one of the commissioners, is himself clerk of said court. They further charge irregularities and fraud at the other precincts of the parish and pray that the election be declared null and void. And they further pray that, should the court decide that

the election held at wards four and five was valid, notwithstanding the irregularities and frauds complained of, and that the election was null and void at all the other places, and that in that event they be declared elected to the various offices for which the candidates were running.

The defendants severally filed exceptions, stating that there was an improper joinder of plaintiffs and defendants; that several different plaintiffs were claiming different things from different defendants in the same suit. Moss further pleaded that the court was without jurisdiction *ratione materiae* to entertain the suit as to his office, parish judge, and the candidates for police jury severally pleaded to the jurisdiction of the court, because the emoluments of the office did not exceed five hundred dollars.

These exceptions were overruled. On the trial, the defendants severally pleaded to the right to challenge ten jurors, under the act of 1855. This was denied and the court took a bill of exceptions to the ruling.

If it was ever contemplated that several plaintiffs, claiming different offices, should unite to bring one suit against several defendants, it is manifest from the usual language of the law in regard to contested elections, that each defendant would have the right, which was claimed and refused in the district court. Section 14 of the Revised Statutes, treating of the trial of contested election cases, declares that in empanelling the jury *each party shall be entitled to ten peremptory challenges.*"

Another bill of exceptions was taken to the ruling of the judge *a quo* refusing to permit the defendants to prove, by parol, what the actual votes were which were made out at every precinct for each candidate. The circumstances under which the defendants offered the parol proof were as follows: After the trial had commenced, a motion was taken on the clerk of the court to produce the ballot-boxes and tally-sheets, which by section 13 of the act of 1873 directs shall be delivered to the clerk. The clerk admitted that they were not in his possession, but in the possession of R. K. Anderson, his son. A rule was then taken against Anderson, but the coroner's returns show that the ballots were not found in the parish, and that he had gone to New Orleans. Thereupon the plaintiffs applied for a continuance. In their application for a continuance, they stated that they expected to prove by the production of said ballot-boxes that the ballot returns had been so tampered with that no election can be declared in said parish. They subsequently made another affidavit, in which they state that they expect to prove by the production of ballot-boxes and returns "that the ballots were not made out and sworn to as the law requires, and they will not show the same result as the ballots in the boxes."

To avoid a continuance, the defendants admitted that "the returns made out at the last election in the parish were not made out and sworn to as the law requires, and the ballots in the boxes for ward No. One will not show the same results as the returns."

It seems to us that if the statements in the affidavits be true, that the ballot returns in the ballot-boxes called for have been tampered with so as to render them unreliable as evidence, that the result of the election, as ascertained and announced by the commissioners of election at each precinct, might have been proved by the best evidence in existence.

The defendants are not charged with the irregularities or fraud complained of in conducting the election; nor are they charged with having said boxes, nor with tampering with them. Under the circumstances there are no presumptions against the defendants, and they had the same right that plaintiffs had to introduce the evidence which the nature of the case admitted of. But we do not perceive how the refusal of the judge injured the defendants, as the onus of proving that the election was null and void, or that they were elected, was upon the plaintiffs, and that they introduced no evidence to establish fraud, illegality, or irregularity at the election except as to wards Nos. One and ward No. Two, besides the admissions of defendants made as above stated. But they do not allege or attempt to prove that if the vote of wards Two and One were thrown out they would be elected. They only contend that this result would be attained if all the wards in the parish except wards One and Five, were rejected, thereby admitting that they were not elected.

As already stated, the only evidence offered by the plaintiff was the admissions aforesaid, and the testimony of witnesses as to what occurred in relation to the election at wards Nos. One & Two.

The only witness offered by plaintiff who testified in regard No. 2 is F. L. Montgomery. He says:

"I was at the voting-precinct of ward No. 2 of this parish on the 21 of November last. The tally-list was closed and signed Tuesday night following the election between eight and ten o'clock. I was a commissioner of election at said place. All the tally-sheets and ballots were locked up in the box after counting of the votes. The tally-sheets were not signed that night. I did not sign the tally-sheets. On cross-examination he said: "The reason I did not sign the tally-sheets that night was because the commissioners did not think the law compelled them to do so at that time, not on account of any unfairness or irregularity in the election at said polling-precinct. The time of closing the polls that I did not sign them. The tally-list was correct at the time it was made out. We completed the list some time Tuesday night following the election."

tion, between ten and eleven o'clock. I won't be positive about the time, but it was after dark. *The election, the counting of the ballots, and the making out of the tally-lists at said precinct, was fair while I was present. There was no frauds or irregularities in the voting or counting of votes and making out of tally-sheets at said precinct, so far as I know. If there had been any, I would have been apt to have known it, for I watched very closely.*" When recalled he stated: "The commissioners did not, while I was with them, make out a list of all the persons voted for, the offices for which they were voted for, the number of votes received by each, and sign and swear to the same. I never did sign such a list. I don't know that the box containing the ballots and tally-lists was deposited with the clerk of the district court. *We counted the votes and made a record of what each man received, and put down the names of each candidate, and the offices for which they were voted, and the number of votes each man received. There were three such tally-lists as above described made out by the commissioners. On closing the polls each commissioner swore to the number of votes polled. They did not swear to the returns above described in my presence.*" It is manifest that no court could hold that the election at that precinct was illegal, null, and void!

In regard to what occurred at ward No. One, the facts, as disclosed by the evidence, appear to be that the commissioners of elections opened the polls at the door of a small house; that a rail, which was placed across the door to keep the voters from pressing against the table upon which the ballot-box stood, was broken by the pressure of the crowd, and the commissioners found it necessary to receive the ballots at a window of the same house. This window was between five and a half and seven feet high. Rhodes, a witness, swears the exact height to be five feet nine inches; that when the voter stood at the window he could not see the ballot-box, but he could see the commissioners, and the box was in full view of those who stood a short distance from the window.

It appears the officers of election, and some of the candidates on both sides, were inside the house, near the ballot-box. It further appears that those who desired to hand their ballots, with their registration-papers, to the commissioner, who received them, and that the ballots were deposited in the ballot-box. It appears further that a large number of persons voted by putting their ballots and registration-papers at the ends of sticks, and thus reached over the heads of those who stood between them and the window. The witnesses are not agreed about the number who thus voted. One witness says about 75, and another witness says about one hundred and eleven. D. S. Vinson, a witness, swears as follows: "I observed nothing wrong, except the voting on sticks, and that was a new style to me. Those voting on sticks were standing a distance from the window, and reaching over the heads of others, who were close up to the window. I would have tried to vote in this way myself, if I could have got a stick. Those voting on a stick appeared to be in a hurry to vote."

P. B. Rhodes testified as follows: "I was one of the commissioners of election at the voting precinct No. One, of this parish, at the last general election. N. Burton was there during the day. I did not hear him make any objections to the way the election was conducted. I heard him say four days after the election that the election was fairly conducted, except in his opinion, I made a mistake of eleven ballots in counting off, against him; and two persons that were not allowed to vote, he thought would have voted for him, if they had been allowed to vote. He made no objection, at the election, or after the counting of the votes, that I heard. The exact height of the window, where the ballot-box was placed, is five feet nine inches. No one was compelled to vote on sticks. Those persons who were anxious to vote for fear of not having time to vote, got sticks and placed their ballots on the ends of them, and handed them up to the commissioner. The smallest man, that I know of, could vote by handing his ballot up to the commissioner with his hand."

This testimony is corroborated by S. J. Galbreth, S. P. Austin, W. W. Benham, and E. Meyer, and is not contradicted in any material parts by any witness.

E. M. Sparrow testifies that he was a commissioner at ward No. One. He says: "Mr. Jackson and myself came to Providence with the first ward box and deposited said box in the clerk's office. The clerk of the court, Mr. Jackson, gave me his receipt for the box. We then went over to Mr. Lockey's office, and I believe Mr. Jackson gave him a copy of the returns. Mr. Lockey then demanded the box, and Mr. Jackson and myself both refused to give said box to him." * * * "I left him and Lockey talking about the box and I went down stairs. I saw Mr. Jackson afterwards and asked him what he had done with the box, and he told me he had deposited it with Mr. Anderson for safe-keeping and held his receipt for the same. This was Wednesday after the election, about ten o'clock. The tally-lists of ward One was in the box. The ballots were in the box also."

E. Meyer swears he was deputy U. S. supervisor at said precinct. "I assisted in making out a list of the votes cast. The tally-list was closed and signed about seven o'clock Tuesday evening." * * * "I left two of the tally-sheets with the commissioners, and I kept one." * * * "I was present from the time of my arrival until closing of the polls; was at the box all the time, except about half an hour at two different times. I watched the progress of the election closely."

"Had there been any fraud or malpractice in depositing the ballots in the box, I would have seen it. There was no fraud nor malpractice in the voting, so far as I am concerned. I did not see Mr. Jackson put in any wrong ballot, except that one voter handed up on a stick two tickets with his registration-paper, which dropped on the floor. Mr. Jackson put in only one of the two; one of the tickets was a red, and one was a green; and he put in the red ticket." Mr. Jackson swears that "the election was carried on fairer than I ever saw it before. Mr. Burton the candidate for sheriff was present during the entire day; he was in the room all the time. I heard no complaint by him whatever. He was there when we commenced counting the votes, the box was closed, and signed one of the tally-lists, and afterwards erased his name."

This is the sum and substance of the testimony on the subject of voting at the high window, and of the irregularities at said election, except the testimony of the witnesses offered by the plaintiffs in regard to other illegalities. Henry Atkinson testifies as follows: "I saw one man cast more than one ballot on that day; he came to my knowledge, and I asked him why he did it, and he said he was doing it for other persons." * * On cross-examination he states: "The man who voted more than once was Cain Sartain. Cain Sartain told me they were for other persons; he handed the ballots the commissioners called names and passed back the registration-paper, and the commissioners did not call Cain Sartain's name. I handed in tickets the same as Sartain, and the commissioners refused until I called their remembrance to Sartain, and then they allowed me to do the same. I was a candidate on the opposite ticket."

Cæsar Johnson testified: "I saw ballots handed up very high. I could not see where they went to; with the papers that were returned back, some had money with them. Some had one, some two, and some three bills. I heard two cry out 'Mr. Jackson, greenbacks;' and when the papers came back, they had greenbacks with them."

If testimony so absurd and incredible could demand any notice, it is sufficient to show that it is contradicted by nearly every witness who testified in regard to what occurred at that precinct. Mr. Burton, one of the plaintiffs, was at that precinct, and saw the ballot-box, and he has testified in this case, but he does not say a word about bribery. His testimony is, in substance, that he saw Mr. Jackson change one vote, and that the box was 6 feet 10 inches high when he measured it.

It is evident from the foregoing evidence that the irregularities shown resulted from a want of information on the part of the officers of the election, and that said irregularities did not in any manner affect the result of the election.

In regard to ward Two, the irregularities seem to be that one of the commissioners did not sign the returns because he thought it was not necessary, and the corner of the returns was not sworn to in the presence of all the commissioners, and the counting of the votes was not completed within 24 hours after the election.

At ward One the voting on sticks and at a high window, where the voter had to reach up to hand his ballot to the commissioner, was certainly novel, but the evidence for this is given in the foregoing evidence, and the evidence leaves no doubt in the minds of the jury that the ballots were fairly deposited in the ballot-box, that no fraud was perpetrated at the election, and that the votes were honestly counted.

The fact that the ballot-box could not be seen by those voters who stood at the high window cannot be a cause to annul the election. In *Augustin vs. Eggleston*, 366, this court said: "The mere position of an election-box, without any injury, does not avoid an election."

Now, conceding what the defendants admitted to avoid a continuance, that the returns made out for the election in this parish were not made out and sworn to as required, and that the ballots for ward One will not show the same result as the returns that defeat an election in the parish? It has been often decided that the failure to comply with the directory clauses of an election-law will not annul an election. *See* 13 An., 577; 10 An., 732; act of 1873, p. 18.)

There is an essential difference between the act of voting and the police power to secure the evidence of the act. If the votes be deposited the object of the law is attained, and its validity cannot be affected by the non-observance of the directory provisions, 13 An., 301. The act of 1873, No. 98, provides for the punishment of those who violate its provisions, and the criminal courts of the State have cognized such matters. The law does not authorize the election to be set aside, except for fraud, intimidation, violence, or corruption at or before the election, and then only when such fraud, violence, intimidation, &c., had the effect to change the result of the election.

"Errors of judgment are inevitable, but fraud, intimidation, and violence can and should protect against," (Cooley's Limitations, p. 621.) The same rule applies to elections. "When an election is thus rendered irregular, whether the irregularity shall be annulled or not must depend generally upon the effect the irregularity may have had in defeating the complete expression of the popular will, or the production of satisfactory results thereof. Election statutes are to be tested like other statutes, but with a less strictness."

liberality, in view of the great public purposes which they accomplish, and, except where they specifically provide that a thing shall be done in the manner indicated, and not otherwise, their provisions, designed merely for the information and guidance of the officers, must be regarded as directory only, and the election will not be defeated by a failure to comply with them, provided the irregularity has not hindered any who were entitled from exercising the right of suffrage, or rendered doubtful the evidences, from which the result was to be declared," (618;) and it was said in *People vs. Cook*, 14 Barb., 257, and 8 N. Y., 67,) "that any irregularity in conducting an election, which does not deprive a legal voter of his vote, or admit a disqualified voter to vote, or cast uncertainty on the result, and has not been occasioned by the agency of a party seeking to derive a benefit from it, should be overlooked in a proceeding to try the right to an office depending on such election. This rule is an eminently proper one, and it furnishes a very satisfactory test as to what is essential and what is not in election-laws. And when a party contests an election on the ground of these or any similar irregularities, he ought to aver and be able to show that the result was affected by them." (Cooley's C. Lim., p. 619; 13 An., 175.)

The plaintiffs do not allege that they were elected; they do not allege or attempt to prove that the irregularities complained of changed the result of the election; and when the defendants offered to prove what the actual vote was at each precinct in the parish, as shown by the count of the votes at the polls, the plaintiffs objected on the grounds that the ballot-boxes were not produced, and this objection was sustained, notwithstanding the facts that the plaintiffs had alleged, in their petition, that the ballot-boxes had not been returned to and kept in the clerk's office, as directed by law, and that plaintiffs had sworn that the ballot-box had been so tampered with and the ballots so changed or altered as to render them unreliable. Judge Cooley says: "If, however, the ballots have not been kept as required by law, and surrounded by such securities as the law has prescribed with a view to their safe preservation as the best evidence of the election, it would seem that they should not be received in evidence at all," &c., (625; 14 Mich., 320.)

The rejection of other evidence, on account of the absence of the ballots, which would not be legal evidence if in court, was certainly very strange.

The conclusion we have come to renders it unnecessary to pass upon the exceptions of the defendants.

It is therefore ordered, adjudg, and decreed that the verdict of the jury be set aside, that the judgment of the lower court be annulled, and that the plaintiffs' suit be dismissed with costs.

Dissenting opinion of Mr. Justice Morgan.

The uncontradicted statement of Mr. Farrar, one of the counsel for the appellees in the brief, is, that the record was filed on Saturday; that he sought to examine it on Monday, when he found it had been taken out of the clerk's office, and that it was not returned until more than three judicial days after the return-day. The custom of allowing counsel to take the records of cases pending, on appeal from the clerk's office, is, in my opinion, a vicious one, but as it has been tolerated by the court, I do not think that it should prejudice a party's rights. The appellee cannot discover what irregularities there are in a transcript unless he has access to the transcript. The ruling of the court, in my opinion, so long as this practice continues to be tolerated, gives to every appellant the power to prevent his appeal being dismissed. He controls the record until the day upon which he is forced by law to file it. He then files it. Under the implied consent of the court, he removes it immediately. He does not return it until three judicial days have elapsed. It may be filled with irregularities and illegalities, and yet the appellee's motion to have it dismissed will not be listened to because he speaks too late. It seems to me that the court which, by its tolerance, permits an appellee to be placed in such a position, should turn a deaf ear to the appellant under such a state of facts, when he says that the motion to dismiss was not made in time.

I do not propose to cavil at the ruling of the majority upon the second and third grounds which they assign for refusing to dismiss the appeal. The questions involved are, in my opinion, too serious to allow their being shuffled off upon mere technicalities.

I prefer to take them as I find them, and to express my opinion upon them, as I think they should be decided upon the principles of law and right.

And for the same reasons I pass over the question as to the misjoinder of parties, the exceptions filed by the defendants, the question of their having been waived by their answers, and the right claimed by them to challenge ten jurors each. It is to be observed that the defendants do not pretend that the election was conducted in strict compliance with the requirements of the law. They deny, it is true, the allegations in the petition, but they only aver that the election was substantially legal and fair in every respect.

In my opinion it was illegal and foul from the beginning to the end. The law pro-

vides that it shall be the duty of the commissioners of election to receive the ballot all legal voters, who shall offer to vote, and deposit the same in the ballot-box provided for that purpose; the commissioners are to deposit the ballot of each vote in the ballot-box, in full view of the voter himself, (acts 1873, section 9, p. 17.) In cases the vote of the person offering to vote is to be taken *from the hand* of the voter by one of the commissioners of election, (section 10.) The votes are to be counted by the commissioners at each voting-place immediately after closing the election, without moving the boxes from the place where the votes were received, and counting must be done in the presence of any bystander or citizen who may be present. These provisions of the law are not only directory, they are peremptory, and when they were enacted, I think, in order that the people should be assured a fair ballot, a count, and an honest return.

Now, what are the facts? In so far as poll No. 1, at least, is concerned, the commissioners of election occupied a room the window of which was more than six feet from the ground. It was through this window that the ballots were handed to the commissioners.

The window itself was barricaded with slats moving up and down, some three inches apart. A very large number of the ballots were handed to the commissioners attached by the voters to a long pole; no voter who was on the outside of the room could deposit his own ballot in the box provided for that purpose, or see that it was deposited there. Instances occurred where voters, when they handed up their ballots, called for "greenbacks" in return, and got them, the greenbacks replacing the ballot on the end of the pole. A majority of the court seem to consider that this portion of the testimony is absurd and incredible, and that it is contradicted by nearly every witness who testified in regard to what occurred at that precinct. I have examined the testimony of every witness whose evidence is in the record, and I do not find it contradicted. Denied at all, it is a negative denial; that is, the witness did not see it. Certainly witnesses testify that everything was regular; that the election was a fair one, and that everything was conducted properly. But the position of the ballot-box, the manner of voting, &c., is testified to by every witness, and when men tell me that everything was fair, and in the same breath say that two opposing candidates each voted seven times, under the pretence that they were voting other persons' ballots, and that one of them did it because the other did, I put no faith in their notions of fairness. And when commissioners of elections, under whose eyes such proceedings were carried on, tell me that there were no irregularities at their poll, I am forced to say that I do not believe them. A majority of the court seem to think that these were mere irregularities resulting from a want of information on the part of the officers of election.

In my opinion they are criminalities for which they should be punished, and which render their acts void. When the polls closed the votes were not counted according to law.

The ballot-boxes in which the ballots were placed were given to the clerk of court, their proper custodian. On the trial, plaintiffs obtained a *subpœna duces tecum* upon the clerk ordering him to produce them. He answered that they were not in his possession; that he had given them to R. K. Anderson, a special deputy appointed for that purpose. A *subpœna* then issued to Anderson, the return upon which was that he could not be found. When this return was made, plaintiffs moved for continuance. Thereupon the defendants admitted "*that the returns made out for the election in this parish were not made out and sworn to as the law requires, and the ballots in the boxes from Ward No. 1 will not show the same results as the returns.*" Plaintiffs rested their case. Defendants then attempted to prove the result of the election by parading and in order to lay a foundation therefor, examined David Jackson, who swore that he had made diligent search for the boxes and returns, but had not succeeded in finding them; that he had looked in the only place where he had any idea they could have been placed; that he had inquired of different parties whether they knew anything about where the ballot-boxes and returns were, and that he had done everything since the commencement of the trial to get the boxes and returns. Now Jackson was clerk of the court, and was by law the custodian of these ballot-boxes and returns. He had, himself, given them to Anderson. On his cross-examination he says he supposes they were in Anderson's possession, and that he had not asked Anderson about them since the commencement of the suit. Thus it appears that he asked every one about them except the only man in whose keeping they had been put? The possession by Anderson of these boxes was the possession of Jackson, and I think it was trifling with the court to say that he could not produce them or cause them to be produced. There was a process by which the defendants, after his testimony was given, could have forced the production of these boxes. They did not see fit to avail themselves of it, and they were not, I think, entitled to resort to secondary evidence.

Indeed, what object would they have in producing boxes, which, according to their own admissions, would show that the returns were not properly made? And what becomes of their assertion that the election was a fair one in the face of their admission that the ballots in the boxes of Ward No. 1 would not show the same results as the returns?

In my opinion these admissions destroy the defendants' case. How is the result of any election to be known except by the returns of the proper officers appointed for that purpose? And who can say that a fair election has been held when it is admitted that the ballots cast would not show the same result as the returns?

I am not here contending that every irregularity in the conduct of an election will nullify the election, or that a police law, with regard to the manner in which an election is to be held, if unconstitutional, vitiates the election, which was the question before the court in *Sancier's case*, (13 An., 301.) Nor do I contest the principle laid down in *Cooley*, and cited by the chief-justice in his opinion, that election-statutes are to be tested like other statutes, but with a leaning to liberality, in view of the great public purposes which they accomplish, but I do say that where the law specifically provides that an election shall be held in a particular manner and not otherwise, as, in my opinion, the election-laws of this State do, it must be held in accordance with the law, and that if the ballots have not been kept as required by law, and surrounded by such securities as the law has prescribed with a view to their safe preservation as the best evidence of the election, it is impossible to determine who of the candidates before the people were legally elected. Here it is admitted that the requirements of the law were not complied with.

A jury, taken from the body of the people, and selected according to law, proving themselves a portion of the voters of the parish, have declared that there was no legal election in the parish, and the testimony in the record satisfies me that their conclusion was a just and proper one.

I think the judgment of the district court, which sets aside the election, should be affirmed.

Mr. Justice Wyly concurs in this opinion.

A true copy.

[SEAL]

M. P. JULIAN,
Dy. Clerk.

(Indorsed:) 5521. Supreme court of La. Nicholas Burton *et als.* vs. Charles Hicks *et als.* Appeal from the 13th dist. court, parish of Carroll. Certified copy of opinion and decree.

EXHIBIT C.—CARROLL PARISH—S. DUNCAN GLENN, *Notary Public.*

- | | |
|------------------------|-------------------------|
| 1. S. P. Bartley. | 32. Esau Johnson. |
| 2. Abbe Richard. | 33. London Peterson. |
| 3. Jo. Leddy. | 34. Zeke Christmas. |
| 4. Wm. A. Blount. | 35. Henry Anderson. |
| 5. Andrew Hammond. | 36. David Katler. |
| 6. James Leddy. | 37. Gus. Silvie. |
| 7. Jasper Hughes. | 38. Dick Stewart. |
| 8. Elias Smith. | 39. A. A. Harney. |
| 9. B. M. Brorder. | 40. Isaac Stewart. |
| 10. Arthur Richardson. | 41. Isaac L. Lewis. |
| 11. B. J. Fowler. | 42. Peter Stevens. |
| 12. Sam Hogan. | 43. Jno. Pitts. |
| 13. Richd. Rowlett. | 44. Edward Russell. |
| 14. Geo. C. Benham. | 45. Casey Smith. |
| 15. Jno. Spinnetti. | 46. E. J. Delaney. |
| 16. J. W. Dunn. | 47. Hugh Laddy. |
| 17. Griffin Kelley. | 48. Wm. Davis. |
| 18. Ben. Fleming. | 49. Tom Laddy. |
| 19. Baker Smith. | 50. Alfred Collins. |
| 20. Richd. Collins. | 51. Mat. P. Fisher. |
| 21. Anderson Murray. | 52. Isaac Johuson. |
| 22. Willis Hamilton. | 53. Wm. Lee. |
| 23. George Green. | 54. S. D. Glenn. |
| 24. Chas. Fox. | 55. George Day. |
| 25. Jerry Travis. | 56. Adam Sheppard. |
| 26. Harrison Johnson. | 57. Henderson Stephens. |
| 27. A. W. Roberts. | 58. Alfred Brown. |
| 28. Lewis Warren. | 59. Fred. Jenkins. |
| 29. Ned Richardson. | 60. Jim Collins. |
| 30. C. Ed. Shearer. | 61. Preston Sanders. |
| 31. Edmund Davis. | 62. Wm. Thomas. |

63. Nelson Harris.
64. Jno. O'Brien.
65. Spencer Garland.
66. Allen Williams.
67. Geo. Washington.
68. Moses Cato.
69. Emmet Williams.
70. Ben. Britt.
71. Joe Robinson.
72. Robt. Shaw
73. Sylvester Peterson.
74. Alf. Washington.
75. W. D. Ball.
76. James Garland.
77. Wm. Smith.
78. Geo. Graves.
79. Wm. H. Myera.
80. Jack Toliver
81. Albert Jordon.
82. Cyrus Dorsey.
83. Richard Jones.
84. Wm. Rakestrow.
85. Jacob Watson.
86. W. J. Kersey.
87. Frank Stepney
88. Reuben Turner
89. Leroy Townsend.
90. Peter Barker
91. Jno. Jourdon.
92. Dennis Winston.
93. Frank Aikles
94. Sam. Johnson.
95. Reuben Young.
96. Jno. Atlas.
97. Henry Phillips.
98. Granville Wilson.
99. Castle Green.
100. Ananias Robinson.
101. Jerry Petri.
102. Manuel Douglass.
103. Alonza Davis.
104. Stepney Gibbs.
105. Bob Lewis.
106. Willis Neal.
107. Paul Ashley.
108. Mat. Waden.
109. Andrew R. Anderson.
110. C. F. Ericksson.
111. Nelson Ware.
112. Jno. Roberts.
113. Victor Esclapon.
114. Cozan Kirk.
115. James Strone.
116. John Payne.
117. Wesley Turner.
118. Eli Piles.
119. Henry Ball.
120. Jackson Edwards.
121. William Ray.
122. Jno. Forrest.
123. Reuben Johnson.
124. Henry Turner.
125. R. K. Joyno.
126. Dan'l Jones.
127. Webster Brown.
128. Felix Harris.
129. Spencer Hamilton.
130. James Zandy.
131. James Green.
132. Chas. McCaleb.
133. King Atlas, sr.
134. Aaron Henderson.
135. Wm. Crenshaw.
136. Robt. Franklin.
137. E. J. Adams.
138. Chas. Franklin.
139. Bohannus Harris.
140. Bud Dickson.
141. Simon Tyler.
142. Sanders Ford.
143. Archie Crenshaw.
144. Sam Lackey sr.
145. Joseph Price.
146. Alfred Buckner.
147. Jim McCay.
148. Sam. Marshall.
149. Luke Williams.
150. Anderson Crenshaw.
151. Peter Maxwell.
152. Silas Shelby.
153. Lafayette Cook.
154. Isiah Kelley.
155. Wm. Huston.
156. George Saunders.
157. Pleasant Harris.
158. Granderson Jones.
159. Oliver Washington.
160. Wm. Odum.
161. Dallas Brown.
162. Thos. Day.
163. Woodford Banks.
164. Kye Nelson.
165. Levi Gardner.
166. Lewis Kelley.
167. Anderson Phillips.
168. Manuel Phillips.
169. John Walker.
170. Geo. Winter.
171. Wm. Atlas.
172. Wash. Vandevere.
173. George Smith.
174. Henry Mercer.
175. Sam. Hurt.
176. Allie Nelson.
177. Wash. Graham.
178. Ben. Daly.
179. David Montague.
180. Lue. Patterson.
181. Warren Jones.
182. Shed. Buckner.
183. James Wata.
184. Ennis Davis.
185. Albert Barnett.
186. Isaac Elliott.
187. Wm. Howell.
188. Richmond Birdsong.
189. Henry Lewis.
190. John Jones.
191. Joe. Robinson.
192. Wm. Douglass.
193. Ned Banks.
194. N. Houghton.
195. Emanuel McDaniel.
196. E. L. Lorche.
197. Wm. N. White.
198. Fred. Jordon.
199. Reuben Christmas.
200. Henry Graco.
201. Chas. Newton
202. Steven Generala.

r Worley.
 Phillips.
 n Henderson.
 Parks.
 Turner.
 Mitchell.
 Perkins.
 Fields.
 Crawford.
 Aldrich.
 Haywood.
 Smedley.
 Butler.
 Thompson.
 and Brown.
 Brown.
 Clure.
 Porter.
 Brown.
 McGorie.
 Carson.
 ton Smith.
 a Terr.
 Williams.
 Hendley.
 Collins.
 el Bayley.
 y Byrne.
 Walker.
 Loyd.
 Stevens.
 Dash.
 Daniels.
 Phillips.
 r Wade.
 Salter.
 James.
 r Onrus.
 mith.
 a Watson.
 all.
 Winter.
 Brayson.
 Taylor.
 Williams.
 on Goodman.
 Karr.
 Wilson.
 as Williams.
 Crawford.
 Phillips.
 Branch.
 tinor.
 Creecy.
 Beard.
 n Dobson.
 Johnson.
 Watson.
 w Knight.
 Ward.
 Matthews.
 Williams.
 Jackson.
 t Gardner.
 Randall.
 Day.
 Brown.
 Crawford.
 Prater.
 is Wilkinson.
 . Mia. 54—11

273. Billy Williams.
 274. Henderson Stepney.
 275. Silas Garner.
 276. Geo. Washington.
 277. Jerry Briscoe.
 278. Annias McClellan.
 279. Coter Lewis.
 280. Allen Parker.
 281. Paul Jones.
 282. Jno. Clorx.
 283. George Allen.
 284. Robt. Adams.
 285. Chapman Preston.
 286. Toney Brackett.
 287. Albert Lee.
 288. Henry Thomas.
 289. Anthony Pasten.
 290. Jerry Key.
 291. Hiram Hawkins.
 292. Littleton Stewart.
 293. Wm. Smiley.
 294. Elias Smoot.
 295. Wm. Page.
 296. Henry Hamilton.
 297. Morton Smith.
 298. Willis Whiting.
 299. Robt. Gilliard.
 300. Saml. Ross.
 301. Tom B. Overton, Jr.
 302. James Reed.
 303. Dennis Walker.
 304. Wm. Kleinpeter.
 305. Parker Jouiter.
 306. Sam. Lackey, Jr.
 307. Jos. McDonald.
 308. Cyrus Castin.
 309. Caleb Harris.
 310. Ben. Rogers.
 311. Geo. J. Hook.
 312. Wm. Pendleton.
 313. Edmund Costers.
 314. Henry Franklin.
 315. Geo. Keiser.
 316. Nathan Smedley.
 317. Henry Mitchell.
 318. Anthony Weatherspoon.
 319. Thomas Word.
 320. Abram Haley.
 321. Ross Thomas.
 322. Anthony Easby.
 323. Ma. Jones.
 324. Henry Sutton.
 325. Mike Tompkins.
 326. Ephraim Reed.
 327. Wm. Fuqua.
 328. Jo. Johnson.
 329. George Franklin.
 330. Chas. Smith.
 331. Rich'd White.
 332. M. Duborn.
 333. Lewis Welton.
 334. Wm. Robinson.
 335. Wm. Jones.
 336. Moses Davis.
 337. Chas. Simmons.
 338. Geo. Stone.
 339. Sam. Turner.
 340. Honston Reed.
 341. Winston Cowen.
 342. Pleasant Holloway.

343. Jessie Jenkins.
344. Spencer Helm.
345. Jno. Smith
346. Frank Corter.
347. James Smith.
348. Thos. Stone.
349. Wesley Wilson.
350. Jno. W. Groves.
351. James Jennings.
352. Robert Lownds.
353. Hiram Henderson.
354. Rayford Franklin.
355. Jonas Ceaser
356. McKinsey Woodson.
357. Andrew Griffin.
358. J. Dobbys.
359. Wm. Eggleston.
360. Henderson Taylor.
361. Henry Parker.
362. Aaron Morgan.
363. Henry Parks.
364. Chas. Perkins.
365. Saml. Byns.
366. Fielding Gaines.
367. David Williams.
368. Thos. Winston, jr.
369. Peter Alexander.
370. Marshal Harris.
371. Enos Harris.
372. Richd. Adams.
373. Wm. Gardner.
374. Chas. Staples.
375. Lynns Sanford.
376. Sol. Johnson.
377. Israel Henson.
378. Robt. Reynolds.
379. John Taylor.
380. Peter Harris.
381. Anderson Kennedy.
382. Primus Perkins.
383. Wm. Lewis.
384. Wm. Lewis.
385. Mingo Hopkins.
386. Sam. Goodwin.
387. Jackson Harris.
388. Sol. Mallory.
389. Gabe Bell.
390. Geo. Washington.
391. Thos. Blakley.
392. Robt. Hendricks.
393. Jackson Jones.
394. Moses Harris.
395. Mike Jones.
396. Isaac Jones.
397. Genl. Johnson.
398. John Farwell.
399. A. T. Gipson.
400. Thos. Gardner.
401. Stepmey Brown.
402. Wm. Thomas.
403. Bud Sanders.
404. Anderson Harris.
405. Hayden Summers.
406. Sam. Williams.
407. Wm. Freeze.
408. Wiley Dunn.
409. Jo. Williams.
410. Geo. Tyler.
411. Wallace Bowman.
412. Richd. Wright.
413. Joe. Ballard.
414. Jeff. Therrell.
415. Jack Watta.
416. Robt. Parker.
417. Harrison Robinson.
418. Hoyt Clements.
419. Wm. H. Barber.
420. Albert Reed.
421. Hiram Dunn.
422. Wm. Haley.
423. Jackson Curry.
424. Harry Harris.
425. Emanuel Harris.
426. James Grant.
427. Jno. Chambliss.
428. Jno. Wilson.
429. Jacob Wore.
430. Jno. Randall.
431. Henry Taylor.
432. King Atlas, jr.
433. Robt. Martin.
434. Ky. Lewis.
435. Phil. Caleb.
436. Thornton Washington.
437. Jno. Miller
438. Fayette Johnson.
439. Madison Vaughn.
440. Danl. Chase.
441. Wm. Nolan.
442. Jack McDaniels.
443. Robt. Talbert.
444. Richard Henderson.
445. Harrison Hughes.
446. Anderson Walker.
447. Green Sellers.
448. Harry Hill.
449. Edward Johnson.
450. Dallas Prael.
451. Chas. Alexander.
452. James Owens.
453. Geo. Jones.
454. Peter Smith.
455. Thos. Minor.
456. S. P. Bernard.
457. Jno. Stockard.
458. Nathan Shelby.
459. Henry C. Smith.
460. Jack Williams.
461. Martin Brown.
462. F. F. Montgomery.
463. F. R. Bernard.
464. Essex Haywood.
465. Jos Murray.
466. Jno. Baptist.
467. Wm. Bonds.
468. Jesse Shelby.
469. Wm. Allcot.
470. Joshua Rice.
471. A. W. Green.
472. Ben. Evans.
473. Wm. Dorsey.
474. Wm. Walton.
475. Moses Giles.
476. Geo. Knox.
477. Henry Wright.
478. Robt. Simms.
479. Saml. Lewis.
480. Wm. Adams.
481. J. G. Miller.
482. Randell Coltrillo.

- | | |
|-------------------|--------------------------|
| Geo. Carter. | 553. Jno. M. Jones. |
| Peter Griffin. | 554. Martin Wilbur. |
| Isaac Jackson. | 555. Jno. Davenport. |
| Peter Biggs. | 556. Jacob Hall. |
| Alex. Dyke. | 557. Wm. Bridges. |
| Granville Peters. | 558. Alex. Hill. |
| Chas. Williams. | 559. Danl. LaGrand. |
| Andrew Karns. | 560. James Jackson. |
| Richard Robinson. | 561. Anthony White. |
| Amos Hopkins. | 562. Jack Anderson. |
| Jonas Monroe. | 563. Robt. Marshall. |
| Phillip Hopkins. | 564. Pope Robinson. |
| King Willis. | 565. Geo. Young. |
| Wm. B. Thomas. | 566. C. A. DeFraner. |
| Eph. Stewart. | 567. Cyrus Chambers. |
| Henry Raney. | 568. Coleman Tucker. |
| Jno. Robinson. | 569. Morris Evans. |
| Jerry Edwards. | 570. Alex. Carter. |
| Geo. Johnson. | 571. Robt. Gilmore. |
| Warren Tolliver. | 572. Thos. Winston. |
| George Williams. | 573. Gabriel Cole. |
| Henry Maxwell. | 574. I. N. Kent. |
| Anthony Hurd. | 575. Frank Tyson. |
| G. S. Dorsey. | 576. Jno. Mellon. |
| Reason Williams. | 577. Lewis Gregory. |
| C. F. Pagh. | 578. Jno. Ranson. |
| Wm. Duncan. | 579. Jeff. Rogers. |
| Peter Harrison. | 580. Jno. Melton. |
| S. A. Lorche. | 581. Aaron Cooke. |
| Joseph Brown. | 582. N. D. Ingram. |
| W. P. Childress. | 583. Simon King. |
| Peter Turner. | 584. C. M. Pilber. |
| Danl. Logan. | 585. Dan. Hawkins. |
| Miles Brown. | 586. Edward Campbell. |
| James Edwards. | 587. Ned Carr. |
| D. L. Morgan. | 588. E. S. Willson. |
| Ephriam Williams. | 589. C. H. Webb. |
| Lawson Saunders. | 590. Nat Burrell. |
| Durrell Ellis. | 591. C. J. Irrant. |
| John Landener. | 592. L. G. Balford. |
| Moses Jackson. | 593. M. S. Powell. |
| Tom January. | 594. H. Cherry. |
| Marshal Kennedy. | 595. James King. |
| Edwd. Sparrow. | 596. Geo. Jones. |
| Wm. Riley. | 597. Taylor Hart. |
| D. C. Jenkins. | 598. J. W. Montgomery. |
| James Howard. | 599. Richd. Lee. |
| Jno. W. McCue. | 600. James McGuire. |
| Chas. Henderson. | 601. R. W. Williams. |
| Sike Richardson. | 602. Henderson Dickson. |
| Wm. Mason. | 603. Frank C. Taylor. |
| Henry Brown. | 604. Wm. Matley. |
| Isaiah Johnson. | 605. Dan. Moulton. |
| Emanuel Chapman. | 606. Alex. Harris. |
| Jackson Bowers. | 607. Isham Triskand. |
| L. B. Clarkson. | 608. Wm. Henderson. |
| Lorrins Perkins. | 609. Garey Hood. |
| Ed. Dunn. | 610. Mike Roach, jr. |
| Wm. Parker. | 611. Horace Thomas. |
| Jno. Brackett. | 612. Isaac Miller. |
| Lewis Williams. | 613. Ned Richardson, jr. |
| Ben. Overton. | 614. B. P. Shelby. |
| Barton Hoare. | 615. E. H. Davis. |
| Ki Solomon. | 616. Geo. Blackburn. |
| Abe Williams. | 617. Ed. F. Newman. |
| Green Guino. | 618. Mat. Smith. |
| Alex. Armstrong. | 619. Geo. Harris. |
| Danl. Rice. | 620. Peter Jackson. |
| H. C. Dobyns. | 621. Golden Williams. |
| Hiram Hatcher. | 622. Henry Motley. |

623. Elias Burley.
 624. S. T. Le Moy.
 625. Jno. Wiggins.
 626. W. R. C. Lyons.
 627. Wm. Williams.
 628. B. H. Lanier.
 629. T. F. Montgomery.
 630. Jno. Stewart.
 631. B. Leddy.
 632. S. T. Austin.
 633. Griffin Storks.
 634. Miles Cormick.
 635. Andrew Atlas.
 636. John Martain.
 637. Edmund Brown.
 638. Wash Duncan.
 639. John Robinson.
 640. Wm. T. Carver.
 641. Jason Hamilton.
 642. Jordan Robinson.
 643. Mat. McAllister.
 644. Anthony Manson.
 645. Solomon Walker.
 646. Wiley Rose.
 647. W. L. McMillen.
 648. F. L. Myers.
 649. Jno. A. Grest.
 650. Jno. Byrne.
 651. Chas. Wright.
 652. O. C. Wessoman.
 653. F. M. Hays.
 654. J. A. Delauney.
 655. Chas. Hicks.
 656. James Woolrich.
 657. Henry Day.
 658. Major F. Cook.
 659. M. J. Groce.
 660. David Hall.
 661. C. W. Hamilton.
 662. Jesse Rossell.
 663. M. A. Sweet.
 664. Chas. Diels.
 665. Lewis Hite.
 666. Nat Murfre.
 667. Hugh McGuire.
 668. Lloyd Davis.

669. Jerry Waterman.
 670. Edward Jackson.
 671. Richd. Stewart.
 672. Z. S. Malbry.
 673. F. M. Hoppin.
 674. Henry Douglass.
 675. Joseph Craig.
 676. I. L. Murry.
 677. W. W. Hunter.
 678. R. M. Lockey.
 679. W. D. Childress.
 680. Thos. Hamilton.
 681. John J. Parit.
 682. Alfred Whitfield.
 683. Wm. Maguire.
 684. W. B. Dickey.
 685. Saml. Chapman.
 686. C. R. Egelly.
 687. Lewis Irwin.
 688. Irvin Davis.
 689. John Hamilton.
 690. Geo. Johnson.
 691. Walter West.
 692. Aaron Coleman.
 693. Peter Davis.
 694. Alfred Crenobow.
 695. John Fitzgerald.
 696. J. L. Davis.
 697. B. F. Therrel.
 698. Wm. Brown.
 699. W. D. Christian.
 700. J. M. Kennedy.
 701. W. W. Benham.
 702. Saml. Robinson.
 703. F. B. Watkins.
 704. Lewis Mitchell.
 705. Simon Lewis.
 706. F. M. Melrose.
 707. Lewis J. Ritter.
 708. J. E. Leonard.
 709. J. D. Tompkins.
 710. Thos. Johnson.
 711. E. C. Manning.
 712. Thos. Chapman.
 713. Roland Perkins.

STATE OF LOUISIANA, Parish of Carroll:

We, the undersigned, duly commissioned and sworn commissioners of election in and for the Second ward, parish and State aforesaid, do solemnly swear (or affirm) that the foregoing list of voters, in and for said ward, is true and correct: so help us God.

W. W. BENHAM.
 TOM L. MONTGOMERY.
 S. L. MURRAY.

Sworn and subscribed to before me this 2d day of November, A. D. 1874.

STERLING T. AUSTIN, JR.,
Justice of the Peace.

EXHIBIT D.—CARROLL PARISH.—S. DUNCAN GLENN, Notary Public.

ROOMS OF GRAND JURY,
 Thursday, December 10, A. D. 1874.

To the Hon. Wade H. Hough, judge of the 13th district court of Louisiana, holding sessions in and for the parish of Carroll:

Your grand jurors, impaneled for the present term of your honorable court, beg leave to submit the following report:

* * * * *

Quite a number of irregularities are reported in the conduct of the recent election in this parish, but upon investigations we do not find them to be of such a character as require the action of the grand jury.

A. C. RHOTEN, *Foreman*.

OFFICE OF CLERK OF 13TH JUDICIAL DISTRICT COURT.

STATE OF LOUISIANA,

Parish of Carroll:

I hereby certify that the above and foregoing is a true and correct copy of the report of the grand jury so far as it appertains to the election held in this parish on the 2d day of November, A. D. 1874.

Given under my hand and seal of office this 6th day of May, A. D. 1875.

[SEAL.]

T. J. GALBRUT, *Deputy Clerk*.

INDEX.

	Page.
Notice of contest.....	1
Answer	5
Agreement, &c.....	6
Printed agreement to take evidence.....	7
Supplemental agreement to take evidence.....	8

TESTIMONY TAKEN IN NEW ORLEANS.

TESTIMONY FOR CONTESTANT.

Testimony of Charles Cavanac.....	8
Oscar Arroyo	12
F. C. Zacharie.....	15

TESTIMONY OF CONTESTEE.

Testimony of Governor J. Madison Wells	22
--	----

TESTIMONY IN CONCORDIA PARISH.

TESTIMONY FOR BOTH PARTIES.

Testimony of John F. Dameron.....	25
-----------------------------------	----

• TESTIMONY FOR CONTESTANT.

Testimony of Wm. C. Yeager	26
----------------------------------	----

TESTIMONY FOR CONTESTEE.

Testimony of R. H. Columbus	27
Testimony of Thomas Ed. Jefferson	27

TESTIMONY TAKEN IN CARROLL PARISH.

TESTIMONY FOR CONTESTANT.

Testimony of T. J. Galbraith.....	27
R. M. Lackey.....	29
J. E. Burton	31

TESTIMONY FOR CONTESTEE.

Testimony of John Scott	33
Thomas F. Montgomery	33
C. E. Moss, jr	35
James S. Milliken	36
F. R. Barthelemy	36
R. K. Anderson.....	37
F. R. Barthelemy, (recalled)	37
R. K. Anderson, (resumed).....	37
David Jackson.....	38
Robert M. Bagby.....	39
T. B. Rhodes	42
Charles E. Moss, (recalled).....	43
John M. Gaddis	44
M. A. Sweet.....	44
E. M. Spann.....	45
T. B. Rhodes, (recalled).....	46
H. R. Lott	47

	Page.
Testimony of Wm. H. Stronbie	47
P. Jones Yorke	48
B. H. Lanier	48
R. K. Anderson, (recalled)	49
Charles H. Nash	50
W. W. Benham	50
W. B. Dickey	54
J. E. Leonard	55

TESTIMONY OF CONTESTANT IN REBUTTAL.

Testimony of Nicholas Burton	56
Wm. A. Blount	59
D. S. Vinson	62
Andrew Cunningham	63
Noah Lane	65
Cæsar Johnson	66
Wm. A. Blount, (recalled)	68
J. C. Purdy	68
J. E. Burton, (recalled)	68
Thomas F. Montgomery, (recalled)	69
Agreement as to votes cast in Lincoln Parish	70
Agreement as to notary's capacity and admission of opinion of supreme court..	71

APPENDIX TO TESTIMONY TAKEN IN NEW ORLEANS.

Exhibit A, reply of Governor Wells, president of returning-board, to protest of Arroyo, member of board, and official returns of election in fifth congressional district and seventeenth State senatorial district....	71
B, affidavit of W. A. Blount, R. M. Bagley, F. S. Burton, F. F. Montgomery, W. B. Dickey	76
C, affidavit of F. F. Montgomery, N. Burton, and John W. Scott	78
D, statement of votes cast at poll 1, parish of Carroll	79
E, statement of votes cast at poll 2, parish of Carroll	80
F, statement of votes cast at poll 3, parish of Carroll	81
G, statement of votes cast at poll 4, parish of Carroll	82
H, statement of votes cast at poll 5, parish of Carroll	84
J, protest of O. Arroyo No. 1	85
K, reply of Wells to protest of Arroyo No. 1	86
L, protest of Arroyo No. 2	89
M, reply of Wells to protest of Arroyo No. 2	90
N, statement of returning-board of its action	92
O, report of returning-board	94
P, compiled returns of fifth congressional district	103
R, extracts from platform of democracy	103
S, comparative statement of registration and election in 1872 and 1874..	104
Exhibit 24, officially compiled returns of fifth congressional district by returning-board	105
26, officially compiled returns of the parish of Carroll by returning-board	106
27, statement of votes cast at poll 1, parish of Carroll	107
28, statement of votes cast at poll 2, parish of Carroll	108
29, statement of votes cast at poll 3, parish of Carroll	109
30, statement of votes cast at poll 4, parish of Carroll	110
31, statement of votes cast at poll 5, parish of Carroll	111
32, affidavit of E. M. Spann	111
33, affidavit of F. D. McCandless	112
34, affidavit of Richard Dickerson	113
35, affidavit of R. K. Anderson	113
36, affidavit of W. W. Benham	113
37, affidavit of Mrs. F. Pident	114
38, affidavit of Carrie F. Benham	114
39, affidavit of S. W. Reilly	115
40, affidavit of Frederick Scholtz	115
41, official returns of election held in Louisiana in 1874, giving vote for and against amendments to the constitution of the State	116
42, promulgated returns of election in the parishes of Concordia and Carroll	121

	Page.
Exhibit 1, statement of votes at poll 1, ward 1, Lincoln Parish	125
2, statement of votes at poll 2, ward 1, Lincoln Parish	126
3, statement of votes at poll 2, ward 2, Lincoln Parish	126
4, statement of votes at ward 3, Lincoln Parish	127
5, statement of votes at ward 4, Lincoln Parish	128
6, statement of votes at ward 5, Lincoln Parish	129
7, statement of votes at ward 6, Lincoln Parish	129
25, statement of poll 5, parish of Concordia	130
Exhibit, Laws, election laws of Louisiana	131

APPENDIX TO TESTIMONY TAKEN IN CARROLL PARISH.

Exhibit A, Carroll Parish	140
B, Carroll Parish	141
C, Carroll Parish	159
D, Carroll Parish	164

II. Mis. 54—12

C

.

.

.

.

.

.

.

.

.

E. ST. JULIEN COX vs. HORACE B. STRAIT.

P A P E R S

IN THE CASE OF

C O X v s . S T R A I T ,

SECOND CONGRESSIONAL DISTRICT OF MINNESOTA.

JANUARY 19, 1876.—Ordered to be printed.

Notice of contest.

To the Hon. H. B. Strait, returned as member-elect to Congress of the United States from the second congressional district of the State of Minnesota :

SIR : You are hereby notified that I intend to contest your election as a Representative in Congress from the second congressional district of Minnesota, to the Forty-fourth Congress, said election having been held on the 3d day of November, 1874.

The following are the grounds upon which I shall rely in said contest, to wit :

First. That at said election there was returned to the secretary of state of the State of Minnesota, when by law said returns were required by law to be made and returned, as having been cast for you for Representative in the Forty-fourth Congress from said second congressional district, 13,742 votes, and for me 13,521 votes, which were included in the canvass and count thereof, made November 23, 1874, as so cast for us respectively, by the State board of canvassers, and that thereupon said board declared and returned you as elected by 221 majority.

Second. That in the return from Kandiyohi County, in said State, of the vote cast at said election for member of Congress for said second district, there was included votes as cast in the towns of Burbank, Colfax, Dane, Green Lake, Harrison, Irving, Lake Andrew, Main, New London, Norway Lake, and Roseville, an aggregate vote as follows : for you, 288 votes, and for me, 100 votes, and which were so counted by said board of canvassers in the said official canvass ; whereas, said towns did not and do not constitute or form a part of said county of Kandiyohi, but constitute and form a part of the county of Monongalia, and are within and belong to the third congressional district of said State and not to said second district, and said votes were wrongfully returned, included, and counted in said canvass as cast and voted in said Kandiyohi County ; that said towns are included within townships 120,

121, 122, and ranges 33, 34, 35, and 36, in said State, according to Government survey.

That in the town of Willmar, in said county of Kandiyohi, there were 9 legal votes cast and voted for me, as shown by said returns, which said State board of canvassers wrongfully refused to count and include in the number so cast for me for member of Congress of said second district at said election.

That in the town of Whitefield, in said county of Kandiyohi, there were 2 legal votes cast and voted for me, as shown by said returns, which said State board of canvassers wrongfully refused to count and include in the number so cast for me for member of Congress as aforesaid.

Third. That there was returned as cast at said election for member of Congress for said second district, and included in said canvass and count by the said State board of canvassers, the following vote as cast in the county of Lincoln, to wit: At the town of Benton, 16 votes for you and 10 for me; at Marshfield precinct, 27 votes for you and none for me; at Yellow Bluff, 15 for you and none for me; which said return and the count of which vote by said board were wrongful for the reasons following, to wit:

1st. Because said county of Lincoln does not belong to said second congressional district, State aforesaid.

2d. Because said places at which said votes are returned as having been cast, are not legally established election districts or precincts, and no votes could be legally cast thereat.

3d. Because no such number of persons voted thereat, but said return was false and fraudulent.

4th. Because the persons who did vote thereat were not legal voters, for the reason that they were foreign-born and had not declared their intentions to become citizens of the United States pursuant to the act of Congress relating thereto; and also for the further reason that they were not residents of the towns where voting, and had not resided in the State four months, nor in the towns where voting ten days next preceding said election.

5th. Because no registry or other list of voters had been made in said towns as required by law.

6th. Because the polls at said pretended election-precincts were not opened, kept open, or closed as required by law, nor was any legal canvass or return made thereof by the judges at said pretended poll-precincts or election-districts.

Fourth. That there purported to be returned to said secretary of state from the county of Lyon, as cast and voted at said election for Congressman in said district, the following votes, to wit: At Southeast precinct, for you 33 votes and for me 3; at Blaen Avon, 14 votes for you and for me 4; at Michigan, for you 23 votes and for me 3; at South precinct, for you 13 votes and for me 1; at Ceresco, for you 12 votes and for me 2; at East precinct, for you 12 votes and for me 2; at Northeast precinct, for you 12 votes and for me none. All of which were so counted and included by the said State board of canvassers in the official canvass of the votes for Congressman for said second district, which was wrongful for the following reasons, to wit:

1st. There are no such legally-established election districts or precincts in said county.

2d. Because said places, or pretended voting-precincts, at which said votes were returned as cast, are not legally-established election-districts or voting-precincts, and no votes could be legally cast or voted thereat.

3d. Because no such number of persons voted thereat, but said returns were and are false and fraudulent.

4th. Because the persons who did vote thereat were not legal voters, for the reason that they were foreign-born persons, and had not declared their intentions to become citizens of the United States pursuant to the act of Congress relating thereto, and also for the further reason that they were not residents of the towns where voting, and had not resided in this State four months nor in the town where voting ten days next preceding said election.

Fifth. That said State board of canvassers, in canvassing the votes of said election for member of Congress for said second district, included in their said canvass and count 398 votes as cast for you in the said county of Lyon and 49 votes for me, which was wrongful and illegal, for the reason that no return of any vote in said county was made to the said secretary of state or to said board of canvassers within the time or in the manner required by law.

Sixth. That there was wrongfully returned as cast for you at said election for member of Congress from said second district 18 votes in the town of Erickson, in the county of Renville, and which were all included in the vote as declared cast for you by said State board of canvassers. That said votes were illegal, for the reason that there was no such legally-established election district or precinct as Erickson in said county of Renville, and also because persons so voting at said pretended place or precinct were of foreign birth and had never declared their intention to become citizens of the United States as required by act of Congress, and also were not residents of said town; also, that 31 votes were returned as cast for you and 12 votes for me at said election for said member of Congress in the town of Emmett, in said county of Renville, and which were so counted and included in said official canvass of votes for member of Congress of said second congressional district, which was wrongful and illegal:

1st. Because the judges of election of said town wrongfully closed the polls and adjourned the election in the middle of the day upon the day of said election, and refused to receive votes, and would not and did not receive for the space of about one hour any votes whatever; and for the further reason that 10 of the votes so voted of those who did vote for you at said polls in said town were not legal voters in said town; and for the further and other reason that 27 votes were returned as cast for you and 6 votes for me at said election for member of Congress of said district, in the town of Palmyra, in said county of Renville, and which votes were so counted and included by said State board of canvassers in the official canvass of votes for member of Congress of said district at said election, which was wrongful and illegal.

1st. Because the judges of election of said town closed the polls on said election-day, and adjourned said election, and refused to receive votes for the space of one hour or more; and

2d. Because many of those so voting thereat voted for you in said town, were not residents thereof, and were not entitled to vote therein.

Also, that 148 votes were returned as cast for you and 4 for me at said election for Congress in the town of Sacred Heart, in the said county of Renville, and which were counted and included in canvassing the votes for member of Congress for said district, and that said votes were wrongfully so included and counted.

1st. Because the said votes cast in said town at said election were not

returned by the judges thereof within the time nor in the manner required by law, but were returned open and by an unauthorized person.

2d. Because many of those voting at said election-precinct, and who voted for you, were not residents of said town, and were not entitled to vote therein.

3d. Because many of those who voted at said election-precinct, and who voted for you, were persons of foreign birth and who had not declared their intentions to become citizens of the United States, conformable to the laws of the United States, and also were not residents or entitled to vote at said election for member of Congress.

4th. Because the judges of election of said town closed the polls on said election-day and adjourned, and refused to receive votes for the space of one hour or more; and did adjourn said election from the place legally appointed for holding the same and receive votes for you at places other than the legally-appointed voting-place or poll.

5th. Because after the polls were duly and legally opened for the reception of votes in said town on said election-day, one of the judges of said election vacated and abandoned his place as judge without cause, except to take part in said election against me, and the others thereof unlawfully appointed an outsider to fill his place, who pretended to serve in said capacity during the election in violation of law.

Also, that in the town of Hawk Creek, in said county of Renville, 118 votes were returned as cast for you and 21 for me, at said election for member of Congress for said district, and which were included in said official canvass of votes for member of Congress of said district at said election by the said State board of canvassers. That said vote, and the canvass thereof, is wrongful and illegal in this:

1st. That persons not residents of said town voted for you, contrary to law.

2d. That persons of foreign birth, who had not declared their intentions to become citizens of the United States, voted for you; all of whom should be excluded.

3d. Because the judges of election of said town closed the polls on said election-day and adjourned, and refused to receive votes of the qualified electors of said town for the space of one hour or more; and also,

Sixth. That in the town of West Newton, in the county of Nicollet, 68 votes were returned as cast for you and 7 votes were returned as voted and cast for me, at said election for member of Congress, and which were counted and included by said State board of canvassers in the official canvass of votes for member of Congress of said district at said election, which was wrongful and illegal, because the judges of election of said town closed the polls on said election-day, and adjourned the election and refused to receive, and did not receive, votes for about the space of one hour, contrary to the form of the statute in such case made and provided.

Seventh. That in the town of Mazeppa, in the county of Wabasha, in said district, — votes were returned as cast and voted for you and — votes for me, at said election for member of Congress for said district; and which votes were included in said official canvass of votes for member of Congress of said district at said election by the said State board of canvassers; that said vote, and the canvass thereof, is wrongful and without authority of law.

Because fifty of the persons voting at said election, on said day, at said polls or election-precinct, and who voted for you, were not on said day residents or electors of said town, and not qualified to vote at said elec —

tion for members of Congress because they had not resided for ten days previous to said election in said town, and should be excluded, having voted thereat for you in violation of law.

Eighth. That in the town of Le Sueur, in the county of Le Sueur, twenty-five persons voted at said election, and voted for you for member of Congress of said district, who were not residents or qualified electors of said town, and whose votes were illegal, and which were returned counted and included as votes for you by the said State board of canvassers.

Ninth. That in the counties of Renville, Nicollet, Scott, Carver, Le Sueur, there were undue means used to accomplish your election and in obtaining votes for you, and that said election was an undue, corrupt, and fraudulent election; that in said counties at least 250 votes were obtained for you that otherwise would have voted for me excepting for the bribery and corruption by means of gratuities and rewards, and by means of the bribery and corruption of the electors aforesaid used in your behalf and for your election, in violation of the statute in such case made and provided; which votes were returned from the several counties aforesaid, and were counted and included as votes for you by the State board of canvassers aforesaid.

Tenth. That in the town of Crafton, in Sibley County, you received 23 votes and I received 4 votes, which votes were returned, canvassed, and counted for you for member of Congress by said State board of canvassers, which vote was illegal for the reason that the judges of said election in said town were not sworn as required by law, and one so pretending to act as judge of said election is not and was not a citizen of this State or a qualified elector thereof.

Should these allegations be established, then I claim to have been elected by a majority of the legal votes of said second congressional district, and am entitled to a seat in the Forty-fourth Congress of the United States from the second congressional district, State of Minnesota.

My address is Saint Peter, Nicollet County, Minnesota, at which place or upon my attorney, the Hon. I. M. Gillman, Saint Paul, you may serve your answer if you shall be so advised.

Respectfully, yours, &c.,

E. ST. JULIEN COX.

DALLA, December 12, 1874.

Proof of service of notice of contest.

COUNTY OF NICOLLET, ss:

Lawrence Gronland, being duly sworn, says that he served the within annexed and foregoing notice of contest of E. St. Julien Cox against H. B. Strait, on the 12th day of December, 1874, by depositing a true copy thereof in the post-office in the city of Saint Peter, in said county, said copy securely inclosed and sealed in an envelope directed to Hon. H. B. Strait, Washington City, D. C., and that he prepaid the postage thereon; and that he did, on the 22d day of December, 1874, at Shakopee, in the county of Scott, in said State, serve a true copy of said annexed notice of contest upon said H. B. Strait, by leaving the same at the last usual abode, place, and residence of said H. B. Strait, at Shakopee aforesaid, by delivering to and leaving with ——— Strait, a brother of said H. B. Strait, a person of full age, then and there found

and being at such said residence of said H. B. Strait, the said true copy.

LAWRENCE GRONLAND.

Subscribed and sworn to before me this 9th day of February. 1875.

[SEAL.]

ALFRED J. LAMBERTON,
Notary Public, Nicollet County, Minnesota.

Answer of contestee.

To the Hon. E. St. Julien Cox, contestant for a seat in the House of Representatives of the United States in the Forty-fourth Congress from the second congressional district of the State of Minnesota :

SIR: Your notice of contest was received by me at the city of Washington, D. C., on December 19, 1874, and I have retained Messrs. Brown & Peck, of Shakopee, Scott County, Minn., as my attorneys in said contest, and all papers in the progress of said contest may be served upon my said attorneys.

In several of your specifications you charge that a certain number of persons voted at the election of November 3, 1874, and for member of Congress, and for me, who, as you allege, were of foreign birth, not naturalized, were not residents of the towns in which they voted, nor, in some cases, of the State, &c.

You also charge that in the town of Emmett, in the county of Renville, "an outsider" was appointed and acted as judge of election, which you say was "in violation of law."

In regard to these charges, each and all of them, and wherever they or either of them occur in your notice of contest, I regard them as too vague and indefinite to justify the admission of evidence under them, as they do not inform me of the specific or particular grounds of objection to these persons, or as to who these persons are or were.

You are fully aware that the name of every person who votes in our State is put in writing at or before the time of depositing the ballots in the box.

Now, if you know those to be facts which you allege, you must necessarily know the names of the persons to whom you refer.

I therefore respectfully request you to furnish to my attorney, within ten days after the receipt hereof by you, a list of the names of all the persons to whom you refer in your notice of contest, as of "foreign birth," not having declared their intentions to become citizens, non-residents of towns, counties, or of the State.

Also please, within the time aforesaid, inform me in what manner or particular the law is violated by allowing "an outsider" to hold the office of judge of an election.

Unless you shall think proper to give me the information above called for, I shall, by my attorneys, at every stage of the said contest, object to the reception of any testimony in support of the said allegations.

Respectfully, yours,

HORACE B. STRAIT,
Contestee.

To the Hon. E. St. Julien Cox, contestant for a seat in the United States House of Representatives in the Forty-fourth Congress from the second congressional district of the State of Minnesota :

SIR : In response to your notice of contest received by me December 19, 1874, I answer as follows, to wit :

1st. I admit the truth of your first charge and specification.

2d. I deny your second charge and specifications thereunder, and each and every part thereof, except as to the number of votes cast, for whom cast, the names of the towns in which said votes were cast, and the allegation that said votes were included in the said canvass. And I aver on the contrary that said towns did then, at the time of said election, and still do constitute and form a part of said county of Kandiyohi, and that there was not on the day of said election, and had not been for nearly four years, any county in said State of Minnesota by the name of "Monongalia."

3d. Your third charge and specification thereunder, I deny, and each and every part thereof except the number of votes cast at the several points and locations named by you, and for whom cast, and that the said votes were included in said canvass, and as to these latter matters I have no knowledge or information whatever.

4th. Your fourth charge, and specification thereunder, and each and every part and subdivision, I deny, except the number of votes cast, for whom cast, the points at which said votes were cast, and that said votes were included in said canvass, about which latter matters I have no knowledge or information whatever.

5th. Your fifth charge and specifications thereunder, I deny, and on the contrary aver that the returns of said votes to the office of the secretary of state was made within the time allowed by law, and said returns were made in due and legal form and manner.

6th. With regard to your sixth charge and specifications thereunder and the several subdivisions thereof, I deny the same, and each and every part thereof, except the number of votes cast, for whom cast, the points at which said votes were cast, and that said votes were included in said canvass, and as to these latter averments I have no knowledge or information whatever.

7th. Your seventh charge and the specification thereunder, I deny *in toto*, and aver that no such number of votes were cast in said town of Mazeppa for either you or me.

8th. Your eighth charge and the specifications thereunder is admitted, with this qualification, to wit, the illegal votes cast in the town of Le Sueur, in Le Sueur County, were cast and voted for *you* and not for *me*, and their number exceeded twenty-five, and said legal votes were not only cast by non-residents but also by minors who were under the age of twenty-one years. Otherwise than as hereabove stated, I deny your eighth charge and specification, and each and every part thereof, except that such votes were counted and included in said canvass for *you* and not for *me*.

9th. With regard to your ninth charge and specifications thereunder, I deny each and every allegation, averment, matter, and thing therein contained.

10th. To your tenth charge and specification I answer that I have no knowledge or information thereof whatever except such as is furnished *me* by the said charge and specifications, and therefore I deny the same and each and every part thereof.

COUNTER CHARGES AND SPECIFICATIONS.

Having answered your several charges and specifications in your notice of contest contained, I now proceed to make the following counter-charges and specifications, to wit :

1st. The board of county canvassers in and for the county of Carver, in said State of Minnesota, and in said second congressional district, counted, canvassed, and included in the abstract of votes by the auditor of said county, transmitted to the secretary of state from the several towns in said county hereinafter named, the following number of votes as having been cast in said towns at said election of November 3, 1874, for member of Congress, to wit: From the town of Camden, 90 votes for you and 5 votes for me; in Young America, 161 for you and 28 for me; in Chanbassen, for you 102 and for me 43; in Laketown, for you 91 and for me 57; in Carver, for you 71 and for me 69; in Benton for you 130 and for me 57; and the said votes so canvassed and included in the abstract so transmitted to the secretary of state were included in the canvass made by the State board of canvassers on the 23d day of November, A. D. 1874, for member of Congress, which was wrongful and unlawful for the following, among other reasons and causes, to wit :

1st. There was no lawful election held on said 3d day of November, A. D. 1874, in either or any one of said towns.

2d. There was no registry poll-list made, posted, corrected, or used in any manner prior to or on said day, in either one or any of said towns.

3d. There were no judges or clerks of election elected, appointed, or sworn to perform the respective duties assigned by law for such officers.

4th. There were no legal returns made from any one or either of said towns to the auditor's office in said county.

5th. At the time of the county canvass in said county, to wit, within ten days after said election, there was not any legal evidence before said board of county canvassers showing or tending to show that any election whatever had been held in any or either of said towns.

6th. There was no compliance, or attempt at a compliance with any part, portion, or section of chapter one, of the general statutes of said State, by the residents or citizens of said towns or by those who assumed to be legal voters in said towns, or by any of those who assumed to be officials of said towns on said day, or on any day prior thereto.

In the county of Le Sueur the board of county canvassers canvassed, counted, and included in the abstract transmitted by the auditor of said county to the secretary of state as votes given and cast at said election of November 3, 1874, the following, to wit: from the town of Cleveland, in said county, 125 votes for you and 102 votes for me; and in the town of Kasota, 119 for you and 113 for me; and in the town of Tyrone, 161 for you and 15 for me; and in the town of Cordova, 119 for you and 24 for me; and in the town of Kilkenny, 125 for you and 2 for me; and in the town of Waterville, 122 for you and 44 for me; and in the town of Elysian, 107 for you and 45 for me; and in the town of Montgomery, 147 for you and 3 for me; and in the town of Lexington, 82 for you and 30 for me; and in the town of Derrynane, 126 for you and 5 for me. The counting, canvassing, or including of all, or any of which said votes in said abstract so transmitted to the secretary of state, as aforesaid, and the including the same in the canvass for member of Congress from said second district, by the said State board of canvassers, was unlawful and wrongful and unjust toward me for the following, among other reasons and causes, to wit :

1st. There was no legal election held in any or either of said towns on the said 3d day of November, 1874, nor were there any legal returns of any election whatever, because no registered poll-list was made, posted, corrected, or used prior to or on said day, in any or either of said towns; because neither one or any of the persons who assumed and pretended to act as judges and clerks of election in said towns were sworn or in any manner qualified to the faithful performance of their said duties, as required by law.

2d. Because the board of county canvassers in and for said county of Le Sueur had no evidence before them at the time of the county canvass that any election had been held in said towns, or in either of them, and yet the said board included all of said votes in their abstract, and transmitted the same to the secretary of state as aforesaid, and the same and the whole thereof were included in the canvass by the State board of canvassers for member of Congress for the said second congressional district in said State.

3d. In the county of Sibley the board of county canvassers counted, canvassed, and included in the abstract of votes transmitted to the secretary of state, and the State board of canvassers canvassed and included in the number of votes cast for member of Congress in said second district, as votes given and cast at said election of November 3, 1874, from the town of Washington Lake, for you, 126, and for me, 17; and in the town of Altsburg, for you, 25 votes, and for me, 19; and in the town of Dryden, for you, 90, and for me, 8; and in the town of Bismarck, for you, 19, and for me, 9; all of which was wrongful and unlawful toward me for the reasons following, to wit:

1st. No legal election was held in any one or either of said towns, because no registry poll-list was made, posted, corrected, or used in any one or either of said towns, on or prior to said 3d day of November, A. D. 1874.

2d. Because there were no legal returns of votes made to the office of the county auditor of the said county of any election whatever.

3d. There were no judges or clerks of election appointed, elected, or sworn to perform the respective duties assigned by law to such officers.

4th. Because, at the time of the county canvass, there was no evidence before the county canvassing board showing or tending to show that any election whatever has been held in either or any of said towns.

Again, the county canvassing board of said county of Sibley did not meet, or convene, or canvass the votes at any one or either of the county offices in said county; but, on the contrary, the said board of county canvassers did secretly meet at the office of the Henderson Times, the publication office of a newspaper published at Henderson, and the editor of which is an unscrupulous and violent political partisan of yours, and a political enemy of mine, and said returns were there secretly canvassed, and were there left by said board of canvassers in the possession of said editor and at the office of said editor for more than ten days after the said purported or pretended canvass.

4th. In the county of Brown, the board of county canvassers counted, canvassed, and included in the abstract of votes for member of Congress from said second district the votes from the several towns hereinafter named, and which were included in the canvass for member of Congress for said second district by the State board of canvassers in the canvass made by said State board on November 23, 1874, to wit: In the town of Stark, 53 for you and 33 for me. In the town of Albion, 38 for you and 1 for me. In the town of Milligan, 30 for you and 6 for me.

In the town of Eden, 59 for you and 30 for me. In the town of Home, 121 for you and 85 for me. In the town of Milford, 69 for you and 32 for me. In the town of Cottongood, 64 for you and 16 for me ; all of which was unlawful and unjust toward me for the reasons :

1st. That no registry poll-lists were made, posted, corrected, or used in said towns, on or prior to said 3d day of November, A. D. 1874.

2d. Those who acted as judges and clerks at the several election places in said several towns, on the day last aforesaid, were not sworn to the faithful performance of their several duties as required by law.

3d. The returns from said towns were not certified by a full board of those who assumed to be judges of the election in said several towns on said day.

4th. There was not a full board of judges or clerks acting at any or either of said election places on said day.

5th. In the conduct of the elections in said several towns on said day, there was no compliance nor any attempt at compliance with the several provisions and sections of chapter one, of the general statutes of said State relating to annual elections ; but, on the contrary, said elections were conducted under the law of the late Territory of Minnesota, which was repealed in the year A. D. 1861.

And in the town of New Ulm, 23 persons were permitted to vote and did vote for you at the election held in said town on said day, none of whom were legal voters, but who were either unnaturalized foreigners, non-residents, or minors, a list of whose names will be hereafter and in due time furnished to you.

6th. In the county of Dakota the board of county canvassers counted, canvassed, and included in the abstract transmitted to the secretary of state the number of votes hereinafter stated as having been duly cast and given in the towns hereinafter named, and the same were included in the canvass for member of Congress in said second district by the State board of canvassers on the said 23d day of November, 1874, to wit: In the town of West Saint Paul, for you, 266, and for me, 128 ; in the town of Vermillion, for you, 125, and for me, 38 ; in the First ward of the city of Hastings, for you, 123, and for me, 30 ; in the town of Burnsville, for you, 61, and for me, 3 ; in the town of Rosemount, for you, 120, and for me, 28 ; in the town of Nininger, for you, 28, and for me, 22 ; in the town of Randolph, for you, 13, and for me, 7 ; in the town of Mendota, for you, 67, and for me, 32 ; in the town of Hampton, for you, 138, and for me, 42. The counting, canvassing, and including of which by said county and State boards of canvassers was unlawful toward me for the following, among other reasons and causes, to wit :

1st. In the town of West Saint Paul there were 75 persons who voted for you, and who were not legal voters in said town, for the reason that a portion of them were residents of the city of Saint Paul, in the county of Ramsey, and not of said town of West Saint Paul.

2d. A portion of said number of persons were minors, under the age of twenty-one years, and another portion were unnaturalized foreigners, the names of which said persons will be furnished you in due season.

3d. In the said towns of Randolph, Mendota, Hampton, and in the First ward of the city of Hastings no legal elections were held. No registry poll-lists were made, posted, corrected or used at the pretended elections held in said towns or either of them.

4th. No judges or clerks of said elections were legally elected, appointed, or sworn to the faithful performance of the duties assigned by law to such officers in any or either of the several towns or voting-places *hereinbefore* first mentioned in said county.

5th. In the town of Ridgely, in Nicollet County, the judge of election, without any authority, removed the polls to a point one mile and a half from the place where the election had been appointed by proper authority to be held, and thereby prevented a large number of legally qualified voters from voting on said day, and at said election, by reason of their ignorance of the place to which said polls had been removed, and by means of which you received a majority of thirty votes in said town, all of which should be excluded.

6th. In the town of Milford, in the county of Brown, the persons who acted as judges of election adjourned at 5 o'clock p. m., and went away from the place where the voting had been done and before the canvass of the votes, and remained absent for the space of one-half hour, and then returned and again opened the polls and received a large number of votes, deposited them in the ballot-box, and thereupon canvassed the votes, made the usual abstract thereof, and returned the same to the office of the county auditor, which said votes and the whole thereof were included in the canvass for member of Congress by both the county and State board of canvassers, and whereby you received in and from said town a majority of 37 votes, 32 being counted for me, and 69 for you; the whole of which ought to be excluded for the reasons aforesaid.

7th. In the county of Wabasha, and in the towns of Wabasha, Greenfield, Watopa, Minnieska, Hyde Park, and Pepin, there were 43 votes cast for you by unnaturalized foreigners, minors under the age of 21 years, and by persons who were not residents of said towns, the names of whom, and the particular places where said votes were cast, will be furnished to you in due season.

Nor was there any registry poll-list made, posted, corrected or used in any manner at the supposed or pretended elections in said towns on said day, nor were the persons who acted as judges or clerks of election sworn to the faithful performance of the duties assigned by the law to such officers.

8th. In each and every one of the towns, precincts, wards or voting-places hereinbefore and in these counter-charges and specifications mentioned and named, the persons who acted as judges and clerks of said supposed or pretended election, closed the polls and absented themselves therefrom for the space of one hour or more at or about the middle of said day, and that during said space of one hour or more, and while said judges and clerks were so absent from said polls, large numbers of legally-qualified voters went to said voting-places for the purpose of voting for me, and were prevented from so doing by reason of the absence of said acting judges and clerks of said election; by reason whereof, and of the illegal conduct of said acting officers, all of said votes so returned from each and every one of said towns, precincts, and voting-places, ought to be excluded from said canvass.

9th. In the town of Oshawa and in the borough of St. Peter, and in the town of Nicollet, in the county of Nicollet, stupendous frauds were committed by you and by your friends acting for you and on your behalf, and with your privity, knowledge, and consent.

You and they paid out and expended in said towns large sums of money for the purpose of buying votes and bribing and corrupting the legal voters of said towns.

And you, sir, surreptitiously and fraudulently got possession of the ballots of certain legal voters who could not read the English language, and who intended to vote for me, and fraudulently erased my name and inserted your own, and thereupon caused said legal voters aforesaid to deposit said altered and mutilated ballots in the ballot-box in said towns, contrary to the will and intentions of said legal voters.

You, sir, also represented to and thereby deceived certain of said legal voters who could not read the English language, that you were the republican candidate for Congress, and that I was the democratic candidate, whereby you obtained a large number of said legal votes in said towns which would otherwise have been cast for me.

You, sir, on said election-day dealt out and caused to be dealt out to a large number of legal voters of the said towns and in said county large quantities of unmerchantable spirituous liquors and spirituous liquors of a depreciated quality to certain legal voters in said towns and county, by which means you succeeded in benumbing the intellects and bedazing the minds of said legal voters, and thereby secured their votes for you when otherwise they would have voted for me.

Therefore, the establishing of the foregoing counter charges, or the failure on your part to establish your charges and specifications, the said seat in the House of Representatives of the United States for the second congressional district of Minnesota, of right belongs to me.

Respectfully, yours,

HORACE B. STRAIT.

By his attorneys:

BROWN & PECK,

Shakopee, Scott County, Minn..

(Indorsed:)

ST. PAUL, MINN., *January 13, 1875.*

Personal service by copy admitted this day.

E. ST. JULIEN COX, *Contestant.*

Proof of service.

STATE OF MINNESOTA,

County of Ramsey, ss:

Horace Austin, being duly sworn, says that, on the 13th day of January, A. D. 1875, he (said deponent) served the following and annexed answer upon E. St. Julien Cox, who was and is well known to him to be the identical person referred to in said answer, by then and there, in said county, giving to him, said Cox, in hand and leaving with him a true copy thereof; and that said Cox then and there acknowledged due service thereof in his own proper handwriting, indorsed on the said annexed answer.

HORACE AUSTIN.

Subscribed and sworn to February 23, 1875, before me.

[SEAL.]

E. D. B. PORTER,
Notary Public.

Notice of taking testimony, February 9, 1875.

In the matter of the contested election for a member of Congress from the second congressional district of the State of Minnesota in the House of Representatives of the United States for the Forty-fourth Congress.

SAINT PETER, *February 9, 1875.*

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th day of February, 1851, it is my

intention to examine witnesses before C. R. Davis, esq., a notary public duly qualified to act as such, residing within the said second congressional district, and duly authorized by said act to examine such witnesses at the capital of said State of Minnesota, in the city of Saint Paul, in the above matter, on Tuesday, the 23d day of February, A. D. 1875, at 3 o'clock in the afternoon of said day, and afterward at such times and places as the hearing may thereafter be duly adjourned to, till the testimony is taken and the witnesses examined. The witnesses whom I intend to examine and their place of residence are as follows: S. P. Jennison, C. A. Salberg, O. T. Whitcomb, J. R. Lucas, all residing in Saint Paul.

Truly, yours,

E. ST. JULIEN COX,
JOHN M. GILMAN,
Attorney for Contestant.

H. B. STRAIT,
Respondent.

Received copy and service admitted February 11, 1875.

BROWN & PECK,
Attorneys for H. B. Strait.

STATE OF MINNESOTA,
County of Scott:

I hereby certify and return that, on this 13th day of February, 1875, I duly served the within notice upon H. B. Strait, by leaving a true copy thereof at the residence, house, and usual place of abode and residence of said H. B. Strait, at Shakopee, in said Scott County, in said State, the said Strait not to be found in said district.

Witness my hand at Shakopee in said county the day and year aforesaid.

DENNIS FLAHERTY,
Sheriff of Scott County, Minnesota.

Subpoena, February 10, 1875.

UNITED STATES OF AMERICA,
State of Minnesota, ss:



To S. P. Jennison, C. A. Salberg, O. P. Whitcomb, J. R. Lucas:

You are hereby required and commanded that, laying aside all business and excuses whatever, you be and appear before the subscriber, a duly qualified notary public, residing in the second congressional district of the State of Minnesota, at the capital of said State, in the city of Saint Paul, on Tuesday, the 23d day of February, A. D. 1875, at 3 o'clock p. m., in order to be then and there examined respecting the contested election for a member of the House of Representatives of the United States of America for the said district, between H. B. Strait, returned as elected to the Forty-fourth Congress, and E. St. Julien Cox, contestant.

Now this you are in nowise to omit, under the penalty of \$20, and of punishment by fine and imprisonment, according to the act of Congress in such case made and provided.

Witness the said notary public, who has hereto set his hand and notarial seal the 10th day of February, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

RAMSEY COUNTY, ss :

E. St. Julien Cox, being sworn, says he personally served the within subpœna on the within named S. P. Jennison, C. A. Salberg, and O. P. Whitcomb, at the city of Saint Paul, in said county, on the 23d day of February, 1875, by reading the same to each of said persons, knowing them to be the identical persons herein named.

E. ST. JULIEN COX.

Subscribed and sworn to February 23, 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Deposition of O. P. Whitcomb.

STATE OF MINNESOTA,

County of Ramsey, City of Saint Paul:

In the matter of the contested election for a member of Congress from the second congressional district of the State of Minnesota, in the House of Representatives of the United States, for the Forty-fourth Congress.

Depositions taken at the city of Saint Paul, Ramsey County, in the State of Minnesota, on behalf of Hon. E. St. Julien Cox, before me, C. R. Davis, a notary public in and for the State of Minnesota, and residing in the second congressional district in said State, commencing on the 23d day of February, A. D. 1875, pursuant to the request and notices hereto annexed in the matter of the contested election case for Representative in the Forty-fourth Congress of the United States, from the second congressional district of the State of Minnesota, wherein the Hon. E. St. Julien Cox contests the certificate of election held by the Hon. H. B. Strait.

The Hon. John M. Gilman appearing as attorney for contestant, E. St. Julien Cox, and the Hon. Horace Austin and the Hon. S. M. Brown appearing as attorneys for the Hon. H. B. Strait.

The attorneys for the Hon. H. B. Strait objected to having the depositions in this matter taken before a notary public residing in the second congressional district. Also made other objections in writing, which are hereunto annexed and marked "Exhibit E."

STATE OF MINNESOTA,

County of Ramsey, City of Saint Paul, ss :

FEBRUARY 23, 1875.

O. P. WHITCOMB, a witness of lawful age, produced by E. St. Julien Cox, being duly sworn according to law by me, deposes in response to questions propounded by John M. Gillman, attorney for E. St. Julien Cox.

Question. Are you State auditor of the State of Minnesota; and, if so, how long have you been such?—Answer. I am now, and have been for the past two years.

Q. Look at this certificate here shown you, and hereto attached and marked "Exhibit A," and state if it was made by you as State auditor.—A. It was made under my directions and signed by me.

(It was then admitted by counsel for contestee that the facts contained in said certificate are correct.)

Q. Look at this certificate here shown you, and which is hereto attached, and marked "Exhibit B," and state if the same was made by you, or under your direction, and signed by you, as State auditor.—A. It was made under my direction, and signed by me.

It was then admitted by attorney for respondent that the facts contained in said certificate are correct and true.

The witness then makes the same answer with reference to "Exhibit C" hereto attached, and attorney for respondent admits the truth of all matters therein contained.

O. P. WHITCOMB.

Subscribed and sworn to before me this 23d day of February, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Deposition of S. P. Jennison.

STATE OF MINNESOTA,

County of Ramsey, City of Saint Paul, ss :

FEBRUARY 23, 1875.

S. P. JENNISON, a witness of lawful age, produced by E. St. Julien Cox, being duly sworn according to law by me, deposes in response to questions propounded by John M. Gillman, attorney for E. St. Julien Cox.

Question. Are you the secretary of the State of Minnesota; if so, how long have you been such?—Answer. I am such secretary at present, and have been ever since the 5th day of January, 1872.

Q. Look at your certificate here shown you, showing an abstract of the votes polled in the county of Monongalia, at the November election, 1870, and hereto attached and marked "Exhibit D," and state if that was made by you, and signed by you as secretary of state; and is the same correct?—A. I did so sign it, and that my certificate thereto is true and genuine.

(The certificate was objected to by the attorney for respondent as being immaterial and incompetent.)

Q. Do you recollect chapter 92 of the general laws of 1870, providing for the consolidation of Kandiyohi and Monongalia Counties?—A. I do know of such a law.

Q. Is there any evidence in your office of a proclamation having been issued by the governor as provided for in a certain contingency by said act?

(Objected to by attorney for respondent as being immaterial and incompetent.)

A. I know of none.

Q. Do you and the governor constitute the State board of canvassers of votes cast for Congressman; and did you act as such in the canvassing of votes for member of Congress in the second district, cast at the last general election?—A. The governor and secretary of state are the canvassing board by law; and we did canvass said votes.

Q. Give the vote as returned and canvassed for member of Congress of the second district from the county of Lincoln.—A. In the town of

Lake Benton, H. B. Strait received 16 votes; E. St. Julien Cox received 10 votes; in Marshfield precinct, H. B. Strait received 27 votes; E. St. Julien Cox received none; in Yellow Bluff precinct, H. B. Strait received 18 votes; E. St. Julien Cox received none.

Q. Give the vote as returned and canvassed for member of Congress of the second district, from the county of Lyon.—A. In Lake Marshall, H. B. Strait received 77 votes, E. St. Julien Cox received 9 votes; in Lynd Township, H. B. Strait received 30 votes, E. St. Julien Cox received 14 votes; in town of Lyons, H. B. Strait received 34 votes, E. St. Julien Cox received 5 votes; in town of Fairview, E. St. Julien Cox received 6 votes, H. B. Strait received 22 votes; in the town of Grandview, H. B. Strait received 24 votes, E. St. Julien Cox received 2 votes; in the town of Nordland, E. St. Julien Cox received none, H. B. Strait received 26 votes; in the town of Lucas, H. B. Strait received 22 votes, E. St. Julien Cox received none; in Upper Yellow Medicine Township, H. B. Strait received 15 votes, E. St. Julien Cox received none; in Madison Township, E. St. Julien Cox received 3 votes, H. B. Strait received 27 votes; in Southeast election-district, H. B. Strait received 33 votes, E. St. Julien Cox received none; in Blaen Avon election-district, E. St. Julien Cox received 4 votes, H. B. Strait received 14 votes; in Michigan election-district, H. B. Strait received 23 votes, E. St. Julien Cox received 3 votes; in South election-district, E. St. Julien Cox received 1 vote, H. B. Strait received 13 votes; in Northeast election-district, H. B. Strait received 12 votes, E. St. Julien Cox received none; in Ceresco election-district, E. St. Julien Cox received none, H. B. Strait received 14 votes; in East election-district, H. B. Strait received 12 votes, E. St. Julien Cox received 2 votes.

(Attorney for respondent objects to all of said answer last above, except so far as relates to the precincts mentioned in notice of contest, and will move to strike the same from the record at the proper time.)

Q. What was the aggregate vote returned and canvassed for member of Congress in the second district in the county of Renville? And give also the vote so returned and canvassed in the town of Erickson, Emmett, Palmyra, Sacred Heart, and Hawk Creek, in said county of Renville.—A. Total vote in the county of Renville, returned and canvassed for H. B. Strait, was 662, for E. St. Julien Cox was 397; in Hawk Creek Township, H. B. Strait received 118 votes, E. St. Julien Cox received 21 votes; in Sacred Heart Township, E. St. Julien Cox received 4 votes, H. B. Strait received 148 votes; in Emmett Township, H. B. Strait received 31 votes, E. St. Julien Cox received 12 votes; in Palmyra Township, E. St. Julien Cox received 6 votes, H. B. Strait received 27 votes; in Erickson Township, H. B. Strait received 18 votes, E. St. Julien Cox received none.

Q. Who brought the vote of Lyon County to your office for member of Congress at the last general election, and when was it received at your office?—A. Received November 16, 1874, by mail.

Q. Give the aggregate vote for member of Congress in the second district, as returned and canvassed at the last general election of Nicollet County, and also the vote for member of Congress in the second district, in the town of West Newton, in said county of Nicollet.—A. Aggregate vote of Nicollet County for H. B. Strait, 801 votes, for E. St. Julien Cox, 852 votes; in the town of West Newton, for H. B. Strait 68 votes, and 7 votes for E. St. Julien Cox.

Q. Give the vote of the town of Mazeppa, in Wabasha County returned and canvassed for member of Congress for the second district, at the last general election.

(Objected to by attorney for respondent, on the grounds that the number of votes are not charged in the notice of contest.)

A. For H. B. Strait, 49 votes, for E. St. Julien Cox, 30 votes.

Q. Give the aggregate vote in the county of Le Sueur and town of Le Sueur, in said county, returned and canvassed for member of Congress of the second district at the last election.—A. In the county of Le Sueur for H. B. Strait, 795 votes, for E. St. Julien Cox, 1,671 votes. In the town of Le Sueur, for H. B. Strait, 127 votes, for E. St. Julien Cox, 191 votes.

Q. Give the aggregate vote of Scott County for member of Congress in second district as returned and canvassed by you at the last general election.—A. For H. B. Strait, 1,026 votes, for E. St. Julien Cox, 753 votes.

Q. Give the total vote of Carver County as returned and canvassed for Congressman in the second district at the last general election.—A. For H. B. Strait, 806 votes, for E. St. Julien Cox, 1,075 votes.

Q. Give the vote of the township of Grafton, in Sibley County, as returned and canvassed for member of Congress in the second district at the last general election.—A. For H. B. Strait, 23 votes, for E. St. Julien Cox, 4 votes.

Witness cross-examined by S. M. Brown, attorney for H. B. Strait:

Q. State whether or not, all the time you have been secretary of state, whether there has been any such county as Monongalia recognized by the State government of this State.

(Objected to by attorney for contestant as being immaterial.)

A. This department has had no dealings officially with Monongalia County since I have been secretary of state; and no other department has, to my knowledge.

Q. In what manner has the territory formerly embraced in Monongalia County and Kandiyohi County been treated by the State government?

(Objected to by attorney of contestee as being immaterial and irrelevant.)

A. It has been treated and understood to be embraced in the new and enlarged county of Kandiyohi since 1871, by every department of the State government.

S. P. JENNISON.

Subscribed and sworn to before me this 23d day of February, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

EXHIBIT A.—*Referred to by Whitcomb.*

STATE OF MINNESOTA, AUDITOR'S OFFICE,
Saint Paul, November 17, 1874.

I, Orlen P. Whitcomb, auditor of the State of Minnesota, do hereby certify that, according to the records of this office, the organized townships of Norway Lake, Colfax, Burbank, Roseville, Lake Andrew, New London, Irving, Mamre, Doore, Green Lake, and Harrison, originally constituting the county of Monongalia, are included within townships 120, 121, 122, and ranges 33, 34, 35, 36, Government survey.

Given under my hand and seal the day and year above written.

[SEAL.]

ORLEN P. WHITCOMB,
Auditor of State.

EXHIBIT B.—*Referred to by Whitcomb.*

STATE OF MINNESOTA, AUDITOR'S OFFICE,
Saint Paul, November 23, 1874.

I, Orlen P. Whitcomb, auditor of the State of Minnesota, do hereby certify that the following are the only organized townships of the county of Lyon in the State of Minnesota, as appear of record in this office, on this 23d day of November, A. D. 1874, viz: Lake Marshall, Lynd, Lyons, Fairview, Nordland, Upper Yellow Medicine, Grandview, Madison, and Lucas.

Witness my hand and seal the day and year above written.

[SEAL.]

O. P. WHITCOMB,
Auditor.

EXHIBIT C.—*Referred to by Whitcomb.*

STATE OF MINNESOTA, AUDITOR'S OFFICE,
Saint Paul, November 23, 1874.

I, Orlen P. Whitcomb, auditor of the State of Minnesota, do hereby certify that the township of Lake Benton is the only organized township in Lincoln County, State of Minnesota, as appears of record in this office, on this 23d day of November, A. D. 1874.

Witness my hand and seal the day and year above written.

[SEAL.]

O. P. WHITCOMB,
Auditor.

EXHIBIT D.—*Referred to by witness*

Abstract of votes polled in the county of Minnecota, at the general election held in the several townships and wards of said county, on the first Tuesday after the first Monday, being the 4th day of November, A. D. 1870. Taken from the official returns.

Names of townships and wards.	County auditor.		County treasurer.		Sheriff.		Register of deeds.		County attorney.		County surveyor.		Clerk of district court.		Probate judge.		
	J. H. Gates.	W. W. Finney.	J. H. Penney.	Samuel Adams.	Samuel Blount.	Samuel H. Adams.	D. Beckwith.	M. Butterbury.	A. D. Harris.	J. S. Gibson.	J. W. Pool.	J. H. Payne.	N. P. Aspinwall.	N. J. W. Hendryson.	J. W. Bardsley.	J. D. Harris.	J. S. Gibson.
Green Lake	34	16	1	30	19	33	31	17	17	43	8	50	51	13	42	2	50
Burbank	26	25	1	31	28	34	34	17	17	30	10	53	38	13	27	27	52
Norway Lake	72	33	1	74	31	104	104	17	17	83	20	105	105	1	66	30	105
Harrison	51	9	1	57	3	60	60	17	17	60	105	60	59	1	25	35	60
Roseville	17	28	1	35	19	53	53	17	17	21	34	51	55	1	18	37	55
Irving	25	18	1	19	31	43	43	17	17	14	28	42	43	1	14	29	43
New London	41	39	1	32	42	80	80	17	17	44	34	50	52	1	49	39	50
Boore	28	12	1	21	20	41	41	17	17	31	10	41	41	1	25	16	41
Maunre	35	1	1	35	35	35	35	17	17	27	8	35	35	1	35	1	35
	330	190	1	30	180	301	481	36	1	353	146	516	510	14	234	214	521

STATE OF MINNESOTA,
Monongalia County, ss :

COUNTY AUDITOR'S OFFICE,
November 14, 1870.

We, William W. Pinney, county auditor within and for said county, and J. H. Payne and Willis Bissett, justices of the peace within and for said county, do hereby certify that in said county, at said November election, the following-named persons had the number of votes set opposite their respective names for the following offices, to wit :

FOR COUNTY AUDITOR.

J. H. Gates had three hundred and thirty (330) votes.
 W. W. Pinney had one hundred and ninety (190) votes.
 J. H. Peney had one (1) vote.

FOR COUNTY TREASURER.

Samuel Adams had thirty (30) votes.
 Samuel Stoner had one hundred and eighty-nine (189) votes.
 Samuel H. Adams had three hundred and one (301) votes.

FOR SHERIFF.

Daniel Beckwith had four hundred and eighty-one (481) votes.
 M. Batterbury had thirty-six (36) votes.
 A. D. Harris had one (1) vote.

FOR REGISTER OF DEEDS.

J. S. Gibson had three hundred and fifty-three (353) votes.
 J. W. Pool had one hundred and forty-six (146) votes.

FOR COUNTY ATTORNEY.

J. H. Payne had five hundred and sixteen (516) votes.

FOR COUNTY SURVEYOR.

N. P. Aspenwall had five hundred and ten (510) votes.
 N. T. W. Hennyson had fourteen (14) votes.

FOR COUNTY COMMISSIONERS.

First district :

Hugh Blakely had thirty-nine (39) votes.
 Bayers had eight (8) votes.
 Thomas Hunn had ninety-seven (97) votes.

Second district :

W. H. Martin had fifty-nine (59) votes.
 T. O. Hong had two hundred and eight (208) votes.
 T. O. Hough had four (4) votes.
 T. Hum had one (1) vote.

FOR CLERK OF DISTRICT COURT.

J. W. Barlick had two hundred and ninety-four (294) votes.
 J. D. Harris had two hundred and sixteen (216) votes.

FOR JUDGE OF PROBATE.

J. S. Gibson had five hundred and twenty-one (521) votes.

FOR COURT COMMISSIONER.

C. S. Geer had five hundred and twenty-one (521) votes.

FOR COUNTY CORONER.

E. T. Morgan had three hundred and eighty-seven (387) votes.

E. F. Morgan had one hundred and thirty-four (134) votes.

FOR STATE SENATOR.

William F. Boumwell had fifty-five (55) votes.

Thomas C. Shopleigh had four hundred and sixty-nine (469) votes.

AMENDMENT SECTION 3, ARTICLE 10, CONSTITUTION.

Yes, had 55 votes.

No, had 25 votes.

FOR MEMBERS OF HOUSE OF REPRESENTATIVES.

W. H. Greenleaf had three hundred and ten (310) votes.

Andrew Railson had five hundred and eleven (511) votes.

J. H. Harris had twenty-six (26) votes.

J. D. Harris had one hundred and ninety-eight (198) votes.

As appears by the returns of said election of the several townships and wards in said county, duly returned to, filed, opened, and canvassed, and now remaining on file in the office of the county auditor.

Witness our official signatures, at New London, in said Monongalia County, this 14th day of November, A. D. 1870.

WILLIAM W. PINNEY,
County Auditor.

JASON H. PAYNE,
WILLIS BISSETT,
Justices of the Peace.

STATE OF MINNESOTA,
Monongalia County, ss :

I, William W. Pinney, county auditor within and for said county, do hereby certify the within and foregoing to be a full and correct copy of the original abstract of the returns of the general election held in said county and State on the eighth day of November, A. D. 1870, now on file in my office.

Witness my hand and the official seal of said office at New London, in said county, this 14th day of November, A. D. 1870.

W. W. PINNEY,
County Auditor.

EXHIBIT E.—*Referred to in caption of depositions.*

In the matter of the contested election for member of Congress from the second congressional district of the State of Minnesota, in the House of Representatives of the United States, for the Forty-fourth Congress.

Before C. R. Davis, esq., notary public, &c.

Horace B. Strait, the returned member and contestee in the above-entitled proceedings, hereby objects to the taking of any testimony under the notice served upon his attorneys on the 11th day of February, A. D. 1875, and upon him by a copy left at his dwelling-house on Feb-

ruary 13, 1875, or to the taking or any testimony in said matter what ever, for the following, among other, reasons and causes, to wit:

First. A notary public is not authorized by the act of Congress referred to in said notice to take or certify such testimony.

Second. The time within which such testimony could lawfully have been taken before any officer named in the act of Congress referred to in said notice, and an act amendatory and supplemental thereto, approved January 10, 1873, has expired, and said contestant, viz, E. St. Julian Cox, has no right to take any testimony under said notice or otherwise, or in any manner.

Dated February 23, 1875.

H. B. STRAIT,
By his attorneys, BROWN & PECK.

Notice of taking testimony.

In the matter of the contested election for a member of Congress from the second congressional district State of Minnesota, in the House of Representatives of the United States, for the Forty-fourth Congress.

SAINT PETER, *February 18, 1875.*

SIR: You are hereby notified that, in pursuance of an act of Congress entitled an act to prescribe the mode of obtaining evidence in cases of contested elections, passed the 19th day of February, 1851, it is my intention to examine the following additional witnesses before Charles R. Davis, esq., a duly-qualified notary public in and for said State, and authorized to take such testimony and examine such witnesses, and such notary residing within said congressional district, such testimony will be taken as aforesaid by and before said notary at Saint Peter, in the county of Nicollet, in said congressional district, at his office therein, on Tuesday, the 2d day of March, 1875, at 10 o'clock a. m. on said day, and each successive day thereafter, Sundays excepted, until the testimony is taken and such witnesses examined.

The witnesses I intend to examine, and their places of residence, are in addition to the witnesses whose names I have heretofore given you in my notice of February 9, 1875, as follows: William Bickel, J. B. Sackett, P. Harff, J. Peterson, Theo. Knoll, L. Suensen, P. Stilzer, A. J. Lamberton, Saint Peter, Nicollet County; James Newton, West Newton, Nicollet County; J. E. Lenhutz, Traverse, Nicollet County; J. Junker, West Newton, Nicollet County.

The town clerk of the town of West Newton, in Nicollet County, whose name is unknown, but will be furnished upon or before the day of such hearing, whose residence is in said West Newton, John Cronan, P. Cronan, Traverse, Nicollet County; H. Loomis, Traverse, Nicollet County; George Arnold, E. Evensen, E. Repke, Jno. Klein, Jacob Bauer, W. F. Kurger, William Schmul, C. Henschel, C. Langerth, Saint Peter, Nicollet County, and each and every other saloon-keeper in the city of Saint Peter, not herein specifically named.

Very respectfully, yours,

E. ST. JULIEN COX,
Contestant.

JOHN M. GILLMAN,
Attorney for Contestant.

Hon. H. B. STRAIT,
Respondent.

NICOLET COUNTY, ss :

E. St. Julien Cox, being sworn, says he personally served the within notice upon L. M. Brown, of the firm of Brown & Peck, attorneys for H. B. Strait, by delivering to and leaving with him a true copy here of the 20th day of February, 1875. Subscribed and sworn to before me this 2d day March, 1875.

E. ST. JULIEN COX.

[SEAL.]

C. R. DAVIS,
Notary Public, Minn.

STATE OF MINNESOTA,
County of Scott, ss:

I hereby certify and return that I did, on the 20th day of February, 1875, at said county of Scott, serve the within notice upon the within-named person, H. B. Strait, by personally leaving a copy thereof at the house of his usual abode, with a person of mature age and discretion, then a resident therein.

DENNIS FLAHERTY,
Sheriff of Scott County, Minn.

Subpœna, March 1, 1875.

UNITED STATES OF AMERICA,
State of Minnesota, County of Nicollet, City of Saint Peter, ss :

To Wm. Bickel, J. B. Sackett, Peter Hæff, Chas. Evenson, Jn. Klein,
Theo. Knoll, L. Suenson, A. J. Lamberton, Geo. Arnold:

You are hereby required and commanded that, laying aside all excuses and business whatsoever, you be and appear before the subscriber a notary public, residing in the second congressional district, State of Minnesota, and duly qualified to take testimony in contested election cases for members of Congress, at his office in said city of Saint Peter, on Tuesday, the 2d day of March, A. D. 1875, at 9 o'clock a. m., to be then and there examined touching the contested election for member of the House of Representatives of the United States of America from said second congressional district, for which H. B. Strait has been returned as elected for the Forty-fourth Congress and E. St. Julien Cox is contestant, on the part of contestant.

This you are not to omit under a penalty of twenty dollars and punishment by fine and imprisonment, according to act of Congress in such case made and provided.

Witness the said notary public, who has hereto set his hand and affixed his notarial seal this 1st day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

COUNTY OF NICOLLET, ss :

Lawrence Gronland, on oath, says that on the 2d day of March, A. D. 1875, at the city of Saint Peter, said county, he served the within subpœna on the within Wm. Bickel, L. Suenson, J. B. Sackett, personally by reading the same to said Bickel, Suenson, and Sackett, and that he then and there paid to said Bickel, Suenson, and Sackett, and each of them personally, the sum of eighty cents, lawful money of the United States of America.

LAWRENCE GRONLAND.

Subscribed and sworn to before me this 2d day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Subpœna, February 27, 1875.

UNITED STATES OF AMERICA,
State of Minnesota, County of Nicollet, City of Saint Peter, ss :

To James Newton, J. Junger, and Thomas Morgan :

You are hereby required and commanded, laying aside all excuses and business whatsoever, to be and appear before the subscriber, a notary public, residing within the second congressional district of the State of Minnesota, duly qualified to take testimony in contested-election cases for members of Congress, on Tuesday, the 2d day of March, A. D. 1875, at 1 o'clock p. m., at his office in said city of Saint Peter, to be then and there examined touching the contested election for a member of the House of Representatives of the United States of America, from said second congressional district, from which H. B. Strait was returned as elected for the Forty-fourth Congress, and E. St. Julien Cox is contestant, on the part of contestant.

This you are not to omit under penalty of twenty dollars and punishment by fine and imprisonment, according to act of Congress in such case made and provided.

Witness the said notary public, who has hereto set his hand and affixed his notarial seal this 27th day of February, A. D. 1875.

[SEAL.]

C. B. DAVIS,
Notary Public, Minnesota.

STATE OF MINNESOTA,
County of Nicollet, ss :

I hereby certify that on the 1st day of March, A. D. 1875, in said county of Nicollet, I personally served the within subpoena upon the within-named witnesses, James Newton, John Junger, and Thomas Morgan, by reading said subpoena to each of said witnesses in person; I also advanced one day's attendance (\$1.00) and forty miles travel (\$2.40) to each of said witnesses, amounting to \$10.20.

E. J. BOYS,
Sheriff of Nicollet County, Minnesota.

Subpœna, March 1, 1875.

UNITED STATES OF AMERICA,
State of Minnesota, County of Nicollet, City of Saint Peter :

To Jacob Bauer, Charley Johnston and John Johnston, W. F. Kruger, C. Henschel, Wm. Schimel, C. Languth, Wilhelm Steinke, and Richard Clifford :

You are hereby required and commanded that, laying aside all excuses and business whatsoever, you be and appear before the subscriber, a notary public, duly qualified to take testimony in contested-election cases for members of Congress, and residing in the second congressional district, State of Minnesota, at his office in said city of Saint Peter, on Tuesday, the 2d day of March, A. D. 1875, at 9 o'clock a. m., to be then and there examined touching the contested election for member of the House of Representatives of the United States of America, from said second congressional district, for which H. B. Strait has been

returned as elected for the Forty-fourth Congress, and E. St. Julien Cox is contestant, on the part of contestant.

This you are not to omit under a penalty of twenty dollars and punishment by fine and imprisonment, according to act of Congress in such case made and provided.

Witness the said notary public, who has hereto set his hand and affixed his notarial seal this 1st day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

COUNTY OF NICOLLET, ss :

Lawrence Gronland, on oath, says that on the second day of March, A. D. 1875, he served the within subpoena at the city of Saint Peter, on the within-named persons, by reading the same to each of said persons personally, and paying to each of the following of said persons, viz, C. Henschel, personally, the sum of 80 cents lawful money of the United States.

LAWRENCE GRONLAND.

Subscribed and sworn to before me on this 20th day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Depositions taken March 2, 1875.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter :

In the matter of the contested election for a member of Congress from the second congressional district of the State of Minnesota, in the House of Representatives of the United States, for the Forty-fourth Congress.

Depositions taken at the city of Saint Peter, Nicollet County, in the State of Minnesota, on behalf of Hon. E. St. Julien Cox, before me, C. R. Davis, a notary public in and for the State of Minnesota, and residing in the second congressional district in said State, commencing on the 2d day of March, A. D. 1875, pursuant to the request and notices hereto annexed, in the matter of the contested-election case for Representative in the Forty-fourth Congress of the United States, from the second congressional district of the State of Minnesota, wherein the Hon. E. St. Julien Cox contests the certificate of election held by the Hon. H. B. Strait.

The Hon. E. St. Julien Cox appearing in person, and the Hon. S. M. Brown appearing as attorney for the Hon. H. B. Strait, and objected to taking testimony at this time, it being too late; and next, that in taking it at this time it is consuming the time allowed the contestee to take his testimony, and objected to same.

Deposition of Johannes Junker.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

J. JUNKER, a witness of lawful age, produced by the Hon. E. St. Julien Cox, and being duly sworn according to law, deposes and says:

Question. Where do you reside?—Answer. At West Newton, county of Nicollet, and State of Minnesota.

Q. Were you there at the election held at that place November 3, 1874?—A. I was.

Q. Were you acquainted with the judges of election on that day?—A. I was.

Q. Where was the election held?—A. At my house.

Q. At what time were the polls open on that day?—A. It was after 9 o'clock a. m. of that day.

Q. Did the judges of election adjourn at noon on that day and close the polls?—A. They did at 12 o'clock, and opened it again after 1 p. m. of that day.

Q. Did the judges of election leave the room when they adjourned, where the polls were held?—A. They did.

Q. Do you know where they went to?—A. They all went into another room to eat their dinner.

Q. What did they do with the ballot-box during the adjournment?—A. Left it on the table in the room where they held the polls.

Q. Were the clerks of election at dinner with the judges at that time?—A. They were.

Q. Was there any one in the room where they had been voting while the judges and clerks were at dinner?—A. There was; myself, wife, and children were there, and others might have been there for what I know. The room was open.

Q. Did you see the ballot-box in the room at the time you were in the room?—A. I did.

Q. Was it in the charge of any one at that time?—A. It was not.

Q. Who were the judges of election on that day?—A. Barney Reimeler, Joseph Brandel, and Joseph Stitz.

Q. What time were the polls closed that evening?—A. Before 5 o'clock that evening.

Q. During the time that the board adjourned, between 12 and 1 o'clock, for dinner, how many persons were around and in the building at that time?—A. More than forty or fifty.

Cross-examined, under protest, by L. M. Brown, attorney for contestee:

(To which cross-examination contestant objects for the reason that no answer, or copy of answer, of the contestee has been filed with the officer taking this examination, which fact is certified to be correct by me, C. R. Davis notary public herein.)

Q. You say in your direct examination that the polls in West Newton were opened after 9 o'clock a. m.?—A. Yes, sir.

Q. Do you mean by that after 9 o'clock, or after the clock struck 9?—A. I mean after the clock struck 9.

Q. Who first spoke to you about the time when the polls were open since election-day?—A. Not spoken to about it until this morning.

Q. How are you able to remember the precise time when the polls were opened?—A. I had clocks in my house at that time, and I looked at the clocks.

Q. How were the polls opened on that day, and by what acts were the polls opened?—A. The board were all together, and one of them went out and announced that the polls are now open.

Q. At what time did you look at the clock; was it before the announcement was made, or after?—A. It was after, and the clock had struck 9 o'clock.

Q. How long time after the clock struck 9 was it that this announcement was made?—A. I can't exactly tell.

Q. Had the election ever been held at your house before?—A. Ever since the Indian war—for nine or ten years.

Q. Have you always been present at the elections?—A. I have always.

Q. On what day of the month was the election held at your house in the year 1873?—A. I could not tell exactly the day.

Q. At what time in the morning did the polls open in the year 1873?—A. I don't know for certain.

Q. At what time in the day has any of polls been opened that have been held at your house, except the last one?—A. That is more than I can tell.

Q. Did you not always look at the clock when they opened the polls, when they held election at your place?—A. No, sir.

Q. Can you give any reason for looking at the clock on that day, or for remembering the time when the polls opened, when you can remember nothing of the time of opening the polls, or the day of the month, of any other times of election during any of the ten times heretofore?—A. I thought it was time they should be there, and I went out to look for them, and the clock had struck 9, and I saw them coming.

Q. Who made the proclamation of opening of the polls November last?—A. Mr. Morgan, I believe. I was in the bar-room, and did not see him, and only know by the sound of his voice.

Q. How far was the dining-room, where the judges took dinner, from the place of voting or room of receiving votes, and in which they left the ballot-box?—A. Only a single partition between them.

Q. You say that they adjourned, in your direct examination; now, by what act did they adjourn?—A. One of the board said that the polls was adjourned until they had dinner. Can't tell who it was.

Q. Did the judges of election go any other place during the adjournment than in the dining-room?—A. They went into the bar-room, and went outside, also.

Q. Did you look at the clock when they adjourned?—A. Yes, sir.

Q. Did you look at the clock when they commenced business again?—A. Yes, sir.

Q. Where was the clock?—A. In the bar-room, and in the room where they held the polls.

Q. At which one of the clocks did you look?—A. I looked at the one in the bar-room.

Q. Could you see the judges, where they were sitting, from the bar-room?—A. No, sir.

Q. At any of the elections heretofore held at your house did any of the judges go to dinner?—A. Yes; they always did it.

Q. Did they always stop the voting when they went to dinner?—A. Most of the time.

Q. What did they do with the ballot-box heretofore, when they went to dinner?—A. They left it on the table, same as they did this last time.

Q. Did you, wife, and family always have access to the room where the ballot-box was when the judges went to dinner, heretofore?—A. Yes, sir.

Q. Did you, or family, or any other person, ever touch the ballot-box, or any of the papers connected with the election, when left alone in the room?—A. Not to my knowledge.

Q. Was there any other person but you and family went into the

room where the ballot-box was left during the adjournment at the last election-day?—A. I think there was some, but don't know who.

Q. How were the ballots received; by the voters going into the room, or delivering them through a window?—A. I know of no one except myself who voted in the room; the others, or most of them, voted through the window.

Q. Did you look at the clock when they closed the polls in the evening?—A. I did look at the clock, and it was not quite five o'clock.

Q. Did you ever watch that clock before so close as you did that day?—A. I did.

Q. What other day during your life did you look at the clock so particular during any four hours?—A. I cannot tell on which day.

Q. On what four hours during any day did you look at the clock?—A. I can't recollect.

Redirect examination by St. Julien Cox:

Q. Did you see the ballot-box used that last election-day at West Newton aforesaid?

(Contestee objects to the question for the reason that no complaint was made in the notice of contest of the kind or character of ballot-box used.)

A. I did.

Q. What kind of a box was it?—A. A wooden box.

Q. Was there any lock on it?—A. There was none.

Q. Was there any fastening on the box?—A. There was a string around it with a seal on it, before they commenced.

Q. What kind of a seal?—A. A string around it fastened with sealing-wax.

Q. Was there an outside door to this room where they held the election?—A. Yes, sir.

Q. Was the outside door locked?—A. I am not sure. I went out when they were eating dinner, and it was not locked.

Q. Did you lock the door when you went out?—A. I did not.

Q. Was there much of a crowd standing around outside at that time?—A. There was.

Q. Was there anything to prevent the crowd from going into that room at that time?—A. Not that I know of.

Q. How long were you in the room at that time?—A. I only went through the room.

Q. Was there anybody else but you in the room at the time of the adjournment?—A. My children and wife.

Q. Was there a good deal of excitement there, that day, over election?—A. Lots of it.

Q. During the adjournment, and while the judges were absent from the polls, did you see any men coming out of the room where the polls were held, other than the judges or clerks?—A. I did see lots of men other than the judges or clerks of election.

Recross-examined:

Q. Who did you vote for on the last election?—A. I voted for E. St. Julien Cox.

JOHANNES JUNKER.

Subscribed and sworn to before me this second day of March, A. D. 1875.

[SEAL]

C. R. DAVIS,
Notary Public, Minnesota.

Deposition of James Newton.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss:

MARCH 2, 1875.

JAMES NEWTON, a witness of lawful age, produced by Hon. E. St. Julien Cox, and being duly sworn according to law, deposes and says:

(At the request and demand of the respondent, and pursuant to the act of Congress of March 10, 1873, in such case made and provided, Christ. Langguth, esq., a notary public, residing in said second district, is associated with C. R. Davis, the notary public heretofore directed by the contestant to take these depositions.)

Question. Where do you live?—Answer. In the town of West Newton, Nicollet County, Minnesota.

Q. Were you at the polls at the town of West Newton, aforesaid, at the time of the last general election, held on the 3d of November, 1874; and, if so, at what hour in the day?—A. I was, and came there about 8½ o'clock a. m.

Q. Did you see anybody around there that day who was not a resident of that town?—A. I did.

Q. For whom was he electioneering for member of Congress?

(Objected to by respondent on the ground of its being incompetent and immaterial.)

A. For H. B. Strait for Congressman.

Q. Who was it that was so electioneering?

(Objected to by respondent as being incompetent and immaterial.)

A. He was a nephew of one Bensman.

Q. Were the polls closed at noon on that day?—A. They were.

Q. Do you know personally of the use of any money or other consideration being used for the election of H. B. Strait for member of Congress in that town on that day?—A. I do not personally.

Q. Have you received any information, or have you been informed, or have you learned of the use of money or other means at the last general election in the town of West Newton for the purpose of inducing voters to vote for H. B. Strait for member of Congress in the second district at or prior to the time of such election?

(Objected to by respondent for that it is irrelevant and immaterial and inadmissible under any allegation in the notice of contest.)

A. There was not.

Q. Was there other means used than stated in above question?

(Objected for same reason.)

A. There was, if liquor constitutes means.

Q. Was liquor freely used around those polls that day?—A. There was, decidedly.

Q. In whose favor?—A. By a friend of H. B. Strait's.

Q. How long did you remain around those polls?—A. I remained until about 1 o'clock p. m.

Q. Do you know whether the bar was kept open on that day at the Traveler's Home of West Newton?—A. It was when I came down in the forenoon.

Cross-examined under protest:

Q. Who was this friend of H. B. Strait's that was treating there at that election?—A. Mr. Bensman was one.

Q. Was Mr. Bensman running for office at that time?—A. He was—
for representative to the State legislature.

Q. Was there any one person there who spent any money for the election of any one candidate, and was that candidate H. B. Strait?—A. There was one man who was, in this, that he would strike off E. St. Julien Cox for member of Congress and put on H. B. Strait for member of Congress; and think he struck off McDormail and put on Bensman. Mr. Alexander Haskins is the person I refer to.

Q. Was not Mr. Haskins's conduct toward Mr. Cox founded upon personal hostility toward Mr. Cox rather than out of particular friendship to Mr. Strait, or rather than by reason of any pecuniary interest moving from Mr. Strait or his friends?—A. I have heard that there was a hostility toward Mr. Cox; but know nothing personally.

Q. Where is this Traveler's Home?—A. It is about one hundred or one hundred and twenty rods from the place of holding election. I saw men drinking there the morning of the election. I was by the roadside.

Q. Has it been the practice for several years past to have whisky to drink at or near the polls in that town?—A. It has.

Q. Did the man at whose house the election was held sell whisky that day?—A. He did.

Q. Was there any more liquor used at the last election than has been used at prior elections?—A. I cannot say that there was.

Redirect :

Q. What is Haskins's business?—A. Keeps store, and is postmaster of the village of West Newton.

Q. How many years has he lived in that town?—A. Since June, 1856, and I have known him all that time, all but about one year that I was absent in the Army.

Q. Did you ever know him to treat on election at any time before that time?—A. I have, once or twice, since 1862.

Q. Have you not understood that if he did not vote for and use his influence for H. B. Strait, he would be turned out of the post-office?

(Objected to for the reason that it calls for hearsay testimony.)

A. I have heard some such talk, but cannot name the persons who said so.

Q. In your opinion, from what you have heard in regard to his enmity to E. St. Julien Cox, and the loss of the post-office, which would be the cause of his opposition, in your mind?

(Objected to, because it calls for an opinion, not founded on any known facts.)

A. Partly for both causes.

JAMES NEWTON.

Subscribed and sworn to before us this 2d day of March, A. D. 1875.
[SEAL.]

C. R. DAVIS AND
CHRIS. LANGGUTH,
Notaries Public, Minnesota.

Deposition of Thomas Morgan.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss:

MARCH 2, 1875.

THOMAS MORGAN, a witness of lawful age, produced by E. St. Julien Cox, and being duly sworn according to law, deposes and says:

(Respondent objects to the taking any testimony for the reason stated in the commencement.)

Question. Were you the clerk of election at the last general election held at West Newton, in said county?—Answer. I was.

Q. What time were the polls opened at that place on that day?

(Objected to by respondent on the ground that there is no complaint in the notice of contest of the time of opening the polls in the said town of West Newton.)

A. About 20 minutes after 9 in the morning.

Q. What time did they close that evening?—A. At 5 o'clock p. m.

Q. Was there any adjournment at noon of that day?—A. There was, for one hour.

Q. The polls were open from 20 minutes past 9 a. m. until 12 m., closed from 12 m. to 1 p. m., and open from 1 p. m. until 5 p. m., when they closed?—A. Yes.

Q. What kind of a ballot-box was there used at that election?

(Objected to for reasons as before.)

A. A small wooden box without a lock.

Q. What was the vote of that town on that day for judges of the supreme court, and for Congressman for the second district?—A. One majority (republican) for judges of the supreme court, and Hon. H. B. Strait had 61 majority for Congressman, (republican.)

Q. At the adjournment at 12 m., what was done with the ballot-box?—

A. We left it on the table where we voted.

Q. Was the room locked where you left the ballot-box?—A. The outside door was fastened with hasp or catch.

Q. Was there access to the room where the ballot-box was from the inside of the house?—A. There was.

Q. Do you know of any one going in and out of the room where the ballot-box was left during the adjournment?—A. Junger and wife went in, and I know of none other.

Q. Were there many persons around the house at that time?—A. Yes; quite a number.

Q. What is the usual status of the vote in that town?—A. About a tie, and sometimes a democratic majority.

Q. Was there any one left in charge of the ballot-box while you and the judges were at dinner?—A. No one.

Cross-examination by L. M. Brown, attorney for respondent, under protest:

Q. Was there any regular announcement made about the adjournment at 12 o'clock?—A. There was, by one of the judges publicly declaring it.

Q. Do you know how many names there are on your poll-list?—A. About one hundred and thirty-three.

Q. Was there any fastening on the ballot-box?—A. Yes; it was tied with a string and had no sealing-wax on it.

Redirect:

Q. Was there any paper pasted over the hole in the ballot-box when you went to dinner during the adjournment?—A. No, there was not.

THOS. MORGAN.

Subscribed and sworn to before me this 2d day of March, A. D. 4875—

[SEAL.]

C. R. DAVIS

Deposition of William Bickel.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

WILLIAM BICKEL, a witness of lawful age, produced by E. St. Julien Cox.

William Bickel was called, and being present, refused to be sworn or testify in the case at the present time.

Reason first. Because the time within which the contestant could have lawfully taken his testimony expired on the 22d day of February, 1875.

Reason second. Because he was not subpoenaed prior to the day on which he is called as a witness, nor by the service of a copy of any subpoena.

Reason third. The witness states that he will give his testimony prior to close of the proceedings, if he shall be called upon.

(Contestant moves to strike out from the above record the reasons therein assigned on the part of the said William Bickel to testify, claiming that he can prove by the testimony of the said William Bickel that he was chairman of the republican committee of the second congressional district of the State of Minnesota, during the canvass which resulted in H. B. Strait obtaining a certificate of election as member of Congress from the second congressional district, and State of Minnesota, and did corruptly, as such a chairman, have under his control and for disbursement, and did so disburse and pay out, large sums of money in the corruption and influence of voters for the purpose of securing the election of H. B. Strait as member of Congress from said district, in the counties of Nicollet, McLeod, Renville, Brown, Redwood, Scott, and Le Sueur.

Deposition of Joseph Coursoull.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

JOSEPH COURSOULL, a witness of lawful age, produced by E. St. Julien Cox.

The witness being called, the contestee, by his counsel, objected to the swearing and testifying of the witness, for the reason that no notice has been given to the contestee that said witness would be called or sworn as such upon the present proceedings.

Witness, being duly sworn, deposes and says :

Question. Where do you live ?—Answer. In Traverse des Sioux City.

Q. Did you attend the last election on the third of November in Traverse des Sioux ?

(Objection. There is no complaint made in the notice of contest of the election at Traverse des Sioux.)

A. I did.

Q. Did you hear of the use of any money or any other means at the election in the town of Traverse used for the purpose of inducing anybody to vote for H. B. Strait for member of Congress ?

(Contestee objects to the above question, for the reason that the same is irrelevant, incompetent, and immaterial.)

A. Yes, sir.

H. Mis. 55—3

Q. Did you cast your vote for E. St. J. Cox on that election?—A. I did not.

Q. Do you know one Henry Loomis, a voter of that town of Traverse, County of Nicollet?—A. Yes, I do.

Q. Did he state or say to you anything on the subject of his having received any money from William Bickel or anybody else to get votes for H. B. Strait for Congress at that election?

(Objected to, for the same reasons as above stated.)

A. Yes, sir.

Q. From whom did he say he got that money?—A. Loomis says he got it from Wm. Bickel.

Q. Did you yourself receive any money or offer of goods or credit at the store of William Bickel to support H. B. Strait against contestant?

(Objected to as last above.)

A. Yes, sir.

Q. How much money did you receive?—A. Two dollars and a half, and he said if I did right he would give me more.

Q. Do you know or have you heard of any one else receiving money, goods, or the promise thereof from William Bickel for the purpose of supporting Mr. Strait?

(Objection same as above.)

A. Yes, sir.

Q. Who?—A. Henry Loomis.

Cross-examined under protest:

Q. State the whole transaction between you and Mr. Bickel with reference to the \$2.50 which you say he gave you.—A. I went in there, (in his store.) I told Mr. Bickel that I was mad against Captain Cox, and I was going to work against him; and if you want to hire my horse and wagon to bring some men to the polls at Traverse des Sioux, if he (Bickel) give me \$2.50, I would do so. Bickel said "It is all right; if you bring your team out there, I will give you \$2.50."

Q. What did Bickel want you to do with your team, and what did you do?—A. He wanted me to bring all the voters to Traverse I could bring, and I did so.

Q. Was that all the talk there was between you and Mr. Bickel, about the \$2.50?—A. Yes; except Mr. Bickel told me to work as hard as I could.

Q. Did Henry Loomis tell you why he was fighting Cox?—A. Yes, sir; because Captain Cox had beaten him in a lawsuit. If he would spend \$200, he was bound to beat Captain Cox.

Redirect:

Q. Did Loomis say why Bickel gave him the money, and was it because that the contestant had beaten Loomis in a lawsuit?—A. No, sir.

Recross-examination:

Q. State what Loomis said to you about getting money from Bickel, and what it was for?—A. He told me he got \$10 from Mr. Bickel for hire of his (Loomis's) teams to bring men to the polls in the town of Traverse.

his
JOSEPH X COURSOULL
mark.

Subscribed and sworn to before us this 2d day of March, A. D. 1875 -
[SEAL.]

C. R. DAVIS AND
CHAS. LANGGUTH,
Notaries Public, Minnesota.

Deposition of Daniel Cronan.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss:

MARCH 2, 1875.

DANIEL CRONAN, a witness of lawful age, produced by E. St. Julien Cox, and being duly sworn according to law, deposes and says:

Question. Where were you living at the time of the last election?—

Answer. At the town of Lake Prairie, county of Nicollet.

Q. Do you know William Bickel, J. K. Moore, and Henry Loomis?—

A. I do.

Q. Does J. K. Moore hold an office in this county?—A. He is postmaster of this city.

Q. Did you have any conversation with Mr. Loomis about any money in connection with the last election?—A. I did.

Q. When was it?—A. A few days before election.

Q. What was it?—A. Loomis ask me if I would work against Cox in Lake Prairie, and I said I would not work without money. He agreed to give me \$5 to buy whisky to influence the Irish vote in Lake Prairie against E. St. Julien Cox. Mr. Loomis and I went to see J. K. Moore, postmaster, about the money in this election matter. Moore said that he had nothing to do about the money matter, but Mr. Bickel was the man. Loomis said that the Irish of Lake Prairie could be influenced if they had some whisky, or words to that effect. I then promised to meet Mr. Loomis the next Sunday, here in town, and get the \$5 from him at McMahon's store; but I did not meet him. Then I voted for Cox. I asked Mr. Loomis why he did not meet me. Said he could not meet me on that day.

Q. Did Loomis tell you that he got whisky and went down to Traverse township at the polls at the last election?—A. Yes; and said he went down there and got them drunk and made them vote for H. B. Strait.

Cross-examined under protest:

Q. Did you and Loomis agree on the amount which you were to get?—A. No, sir; but I was satisfied with any amount, if I could get it, but I did not get anything.

Q. Do you suppose that the forty or fifty Irish voters knew that you were about to attempt to influence them for that amount of money?—

A. No, sir; I don't think they did.

Q. Do you think you could?—A. I think with \$5 worth of whisky I could have influenced a few.

Q. How much whisky could you have bought for that amount?—A. Six or seven gallons of a certain kind of whisky, which they sell at McMahon's store.

Q. Did I understand that you would have attempted to influence your neighbors with whisky?—A. If I had got the whisky I should have tried it.

Q. The last conversation that you had with Loomis was after the election, was it not?—A. It was.

Redirect:

Q. This \$5 which you were to get from Loomis, that you were informed by Mr. Moore that Bickel would pay, was intended for the purchase of six or seven gallons of whisky for the purpose of influencing voters against contestant and in favor of H. B. Strait for Congressman?

(Objected to because it announces the fact that Bickel promised to pay.)

A. It was.

Q. Did Mr. Loomis tell you that he had influenced any votes for H. B. Strait against E. St. Julien Cox?—A. Yes, about two hundred; and he made the remark that it was H. B. Strait's money that did it; that Strait had money and Cox had none, or words to that effect.

DANIEL CRONAN.

Subscribed and sworn to before us this 2d day of March, A. D. 1875.
[SEAL.]

C. R. DAVIS AND
CHRIS. LANGGUTH,
Notaries Public, Minnesota.

Deposition of William Lehr.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

William Lehr, whose name does not appear in the notice, called for by contestant, E. St. Julien Cox.

Objected to his being sworn and testifying, for the reason that his name does not appear in the notice of taking testimony.

Contestant has him sworn and testify, for the reason that one William Bickel, a witness, heretofore refused to testify or be sworn.

WILLIAM LEHR, being duly sworn, deposes and says:

Question. Where were you living on the last general election day?—

Answer. At Saint Peter, Nicollet County, Minnesota; have lived here for the last eighteen years, and am well acquainted with the surrounding country and inhabitants of this county and city.

Q. Are you acquainted with William Bickel, of Saint Peter?—A. I am.

Q. What are your politics?—A. I am a democrat, and always have been.

Q. Did Mr. Bickel say anything to you about voting for H. B. Strait, in connection with any money?—A. Yes; he d d.

Q. Did he give you any money?—A. He did give me \$5.

Cross-examination under protest:

Q. What did you get the \$5 for?—A. I understood that I got it for the purpose of not working against Charles Hensel. He asked me at the same time if I would vote for H. B. Strait, and I told him I would not.

WILLIAM LEHR.

Subscribed and sworn to before us this 2d day of March, A. D. 1875.
[SEAL.]

C. R. DAVIS AND
CHRIS. LANGGUTH,
Notaries Public, Minnesota.

Deposition of William Schimmell.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 5, 1875.

WILLIAM SCHIMMELL, a witness of lawful age, produced by E. St. Julien Cox, and being duly sworn, deposes and says:

Question. Where did you reside for the three months prior to the late election?—Answer. At Saint Peter, Nicollet County, Minnesota.

Q. Did you know of or have you heard of the use of any money or any other means at or before the last general election in this county used for the purpose of procuring or inducing any individual to run for, be a candidate for, or for inducing a voter to vote the republican ticket, or for any individual on it?

(Objected to so far as it calls for hearsay testimony.)

A. I did not.

Q. Did you hear of the use of any money or the promise thereof in the way of paying expenses or otherwise for the nomination of Charles Henzel for county auditor of this county at the last general election on the republican ticket?

(Objected to as being incompetent, irrelevant, and immaterial.)

A. I think that Charles Henzel was induced to run on the promise if he was too poor to pay his own expenses they should be paid for him.

Q. By whom was this offer made?

(Objected same as last above.)

A. I expect Mr. Bickel, Mr. Moore did; but have no actual knowledge about it.

Q. Did you have any conversation with Mr. Henzel about this matter?—A. I did.

Q. Did Mr. Henzel state to you then or at any other time, that he was to receive \$500 for being a candidate on the republican ticket for county auditor, or did you hear of such a statement?—A. I know that he did not receive that amount, but I heard Captain Cox saying that he heard it in Waseca.

Q. Did you know or were you informed of his having received any amount for being such candidate?—A. No, sir.

Q. Did you have a conversation with me (E. St. Julien Cox) in the month of October, 1874, with respect to the nomination of Charles Henzel for county auditor of this county, with respect to the effect on the congressional canvass that his nomination would have?

(Objected to for same reason as above.)

A. Yes, we did. It was as follows: Captain Cox told me that he thought that his election would be effected by having Charles Henzel running for auditor. And I told Captain Cox that Charles Henzel would not try to do anything against him.

Q. What had been his politics up to the time of his nomination?

(Objected to for same reason.)

A. Politics were mixed for past two or three years; prior to that, republican.

WM. SCHIMMELL.

Subscribed and sworn to before us this 2d day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
CHRIS. LANGGUTH,
Notaries Public, Minnesota.

Deposition of William Steinke.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

William Steinke, a witness called by E. St. Julien Cox, for the reason

and because one William Bickel, a witness, heretofore refused to be either sworn or testify.

(Objected to by respondent because his name does not appear in notice of taking testimony.)

WILLIAM STEINKE, being duly sworn, says :

Question. Where were you living at the time of the last general election ?—Answer. At Saint Peter, Minnesota.

Q. Do you know of any propositions being made or money offered to influence any one to vote for H. B. Strait for member of Congress ?

(Objected to as being irrelevant and immaterial.)

A. I do.

Q. Who were the recipients, and who made the offers ?—A. There was a meeting of farmers at the town of Kelso, county of Sibley, in this State, before the last general election during the month of October, and I was going out to this meeting, and I asked Mr. Bickel if he would not go along. He said he could not go, for S. Simmon was out, but he would give me a lot of cigars to distribute along and find out how they were feeling about H. B. Strait.

Q. Do you know of any one receiving any money to vote for H. B. Strait ?—A. Mr. Alledy, of Sibley County, told me that Mr. Bickel gave him \$5 to vote for H. B. Strait.

Q. Did you see any correspondence from Strait, of Shakopee, about money ?—A. I did ; to one Philip Stelzer, of Saint Peter, Minnesota.

Q. What was in that letter ?

(Objected to because there is no evidence of the handwriting, and because the letter is not produced, and no excuse given for its non-production.)

A. It stated that he wanted Stelzer to be still and not work against him, and at the bottom in small figures was \$25 marked under the word "cashier."

G. H. STEINKE.

Subscribed and sworn to before us this 2d day of March, 1875.

[SEAL.]

C. R. DAVIS,
CHRISTIAN LANGGUTH,
Notaries Public, Minnesota.

Deposition of Philip Stelzer.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

PHILIP STELZER, a witness of lawful age, produced by E. St. Julien Cox, and, being duly sworn, deposes and says :

Question. Were you living in Saint Peter on or before the last general-election day ?—Answer. Yes, sir.

Q. Do you know of any offers having been made to any person by any person to influence their action in favor of H. B. Strait for member of Congress ?—A. I do not ; only what I heard in bar-rooms and street-talk.

Q. Did you ever receive a letter making any proposition to you in favor of H. B. Strait for Congressman ?

(Objected to, because it is irrelevant and immaterial.)

A. I have received a friendly letter without any offer.

Q. By whom was this letter signed?—A. By H. B. Strait.

Q. When did you receive this letter?—A. Before election.

Q. Do you know the officials of the Shakopee National Bank?—A. I know nobody but Major Strait.

Q. You are not engaged in the banking business at all?—A. I am not.

Q. Is Mr. How of that bank your dear friend?—A. I don't know him.

Q. Do you know whether Mr. How, of the Shakopee Bank, was running for Congress last fall?—A. I don't know Mr. How.

Q. Do you know how the bottom of this letter was cut off?—A. I do.

Q. How?—A. With a pair of scissors.

Q. By whom?—A. By me.

Q. What for?—A. Not certain of the purpose.

Q. Did you or did you not, at or about the time you received this letter, or at any time after receiving this letter, show and exhibit to Peter Harff, Charles Brandt, or other persons, a check, draft, or bill of exchange for the sum of \$25, signed by D. L. How, or some other person connected with the First National Bank of Shakopee?—A. I have not received any check or draft; have not shown any such a thing to Peter Harff, C. Brandt, or any other person, for the sum of \$25, or any other sum.

(Contestant now offers a letter offered in evidence, purporting to be from the First National Bank of Shakopee, in which H. B. Strait appears as president, of date October 19, 1874, and referred to in the foregoing testimony as purporting to have been signed H. B. Strait, marked "Exhibit F," and hereunto annexed.

Objected to for there being no proof of handwriting.)

Cross-examined under protest:

Q. You say in your direct testimony that the letter was signed by H. B. Strait?—A. The name signed to the letter was H. B. Strait. I do not know in whose handwriting the signature, or either the letter, was written.

Redirect:

Q. Did you believe at the time you received this letter it was signed by H. B. Strait?—A. I believe it was sent by him and signed by him.

PH. STELZER.

Subscribed and sworn to before us this 2d day of March, 1875.

[SEAL.]

C. R. DAVIS

CHRIS. LANGGUTH,

Notaries Public, Minnesota.

Exhibit F, referred to in Philip Stelzer's deposition.

H. B. STRAIT, President.

D. L. HOW, Cashier.

THE FIRST NATIONAL BANK,
Shakopee, Minn., Oct. 19, 1874.

MY DEAR FRIEND:

DEAR SIR: Your favor of the _____ is received with inclosures as stated.
I inclose for collection and credit _____ . I really wish you could give

your influence to me this fall. I would esteem it a great favor, and would endeavor not to forget it.

Please write me if I could depend upon your aid at the coming election.

Yours, truly,

PHILIP STELZER, Esq.

Deposition of William Steinke, recalled.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

WILLIAM STEINKE, a witness heretofore sworn and examined, is now recalled by E. St. Julien Cox, contestant, and deposes as follows :

(Exhibit F shown witness.)

Question. Have you ever seen that letter before?—Answer. Yes, sir; it is the letter referred to in my testimony, bearing the figure twenty-five on the bottom of signature.

G. W. STEINKE.

Sworn and subscribed before us this 2d day of March, 1875.

[SEAL.]
[SEAL.]

C. R. DAVIS,
CHRISTIAN LANGGUTH,
Notaries Public, Minnesota.

Deposition of Julius Christianson.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

JULIUS CHRISTIANSON, a witness, being called by E. St. Julien Cox, for the reason that witness, Wm. Bickel, a witness called, refused to testify,

(Was objected to by respondent, because his name does not appear in the notice of taking testimony.)

who, being duly sworn, deposes and says :

Question. Were you in the city at the last general election?—Answer. I was, and a voter.

Q. Do you know of any one having received any money to influence their votes for the republican ticket, or for member of Congress?—A. I do.

Q. Who?—A. I got some. J. B. Sackett asked me if I wanted to work for H. B. Strait, and I said I would do it. He then gave me \$2 before election-day, and told me he would give me \$2 on election-day. He wanted me to come early in the morning and peddle republican tickets with H. B. Strait's name on, and work for the ticket, and he wanted me to vote for H. B. Strait as well as work for him. He paid me the last \$2 about two days after election.

Q. Do you know of any one else who told you that they received any money from J. B. Sackett to work on election-day for H. B. Strait?—A. I do. Andrew Mattison was his name.

Cross-examined under protest :

Q. Do you know that Andrew Mattison actually got any money for working for H. B. Strait on election-day ?—A. I do not know that he actually got it, but it was promised to him.

Q. Did you understand that the money that you got, and Mattison was to get, was paid for the purpose of hunting up voters for H. B. Strait ?—A. I did so understand it, and not to buy votes.

Q. Did you and Mattison hunt up any votes for Strait ?—A. We did—a few.

Q. Did you pay them anything ?—A. No, sir.

Redirect :

Q. What was this money given for ?—A. It was given to work all that I could that day for Strait.

JULIUS CHRISTIANSON.

Subscribed and sworn to before us this 2d day of March, 1875.

[SEAL.]

C. R. DAVIS,
CHRIS. LANGGUTH,
Notaries Public, Minnesota.

Deposition of A. J. Lamberton.

STATE OF MINNESOTA,

County of Nicollet, City of Saint Peter, ss :

MARCH 2, 1875.

A. J. LAMBERTON, a witness produced by E. St. Julien Cox, being duly sworn, deposes and says :

Question. Were you a resident of this city at the last general election-day ?—Answer. I was, and have been for the past sixteen years.

Q. Are you acquainted with William Bickel, of this place ?—A. I am.

Q. Do you know that he was chairman of the second congressional district committee ?—A. He was on last election-day.

Q. Are you acquainted with J. B. Sackett, of this place ?—A. I am ; he is connected with the United States revenue department.

Q. Have you heard what was the general reputation of the conduct of the campaign on the part of the republican party in this section of the country in respect to the use of money to bring about the election of Major Strait, by William Beckel and J. B. Sackett ?

(Objected to as being immaterial and irrelevant, it calling for a general reputation instead of facts.)

A. I have.

Q. Do you know what it was at that time ?—A. I do.

Q. What was it ?—A. Common report was that J. B. Sackett and William Bickel were distributing a great deal of money for the purpose of buying and influencing votes for H. B. Strait for member of Congress, and that in La Sueur County the worst thing the democrats had to contend against was H. B. Strait's money.

Q. Have you taken an active part in politics for the last ten or twelve years ?—A. I generally do immediately preceding an election and on election-day.

Q. From your acquaintance with the politics of this city and county, have you any reason to doubt the truth of the aforesaid rumors, and from the result of vote for Congressman last fall ?

(Objected to for reasons aforesaid.)

A. I have not. I believe there was considerable money spent by Bickel and Sackett to secure votes for Major Strait for Congress, though I have no personal knowledge of a dollar being spent by either of them for that purpose.

Cross-examined under protest :

Q. Where or from whom did you gather information upon which you base your opinion as to money spent in the behalf of H. B. Strait for Congressman ?—A. Can't recollect persons, but generally from conversations around post-office and stores in Saint Peter, Minnesota. Daniel Cramer says that Henry Somes was to get \$10 from Bickel and Moore to work for H. B. Strait, and he was to have half of it for his purpose. Heard the senator from La Sueur County say that the worst thing they had to contend with in that county was H. B. Strait's money. He (the senator) was running for the senate at the same time. Heard the Irish from La Sueur County say that there was a great deal of H. B. Strait's money in that county at or near election.

Q. Do you know of any money being spent in Saint Peter for the election of E. St. Julien Cox for Congress ?—A. I do not know of any money being spent in Saint Peter for the election of E. St. Julien Cox by himself, or any one else, and I took an active part in his behalf.

Q. How long has Cox lived in Saint Peter, and what is his business ?—A. About sixteen years to my knowledge, and his business is as an attorney at law.

Q. Has he not, during the course of his practice, made influential enemies that would work against him on election ?—A. I do not know of any influential man, and do not know of only one, and he is not an influential man.

A. J. LAMBERT

Subscribed and sworn to before us this 2d day of March, 1875.

[SEAL.]

C. R. DAVIS,
CHRIS. LANGGUTH,
Notaries Public, Minne.

Notice of taking depositions, February 20, 1875.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States, for the Forty-fourth Congress.

SAINT PETER, *February 20, 1875.*

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th day of February, 1875, it is my intention to examine the following additional witnesses: Chas. R. Davis, esq., a notary public, duly qualified and authorized to take such testimony and examine such witnesses, such notary residing within said congressional district, at the office of the county auditor of Lyon County, in the village of Marshal, in said Lyon County, on the day the 12th day of March, A. D. 1875, and each successive day thereafter, Sundays excepted, until the testimony is taken and such witnesses examined, commencing at the hour of 3 o'clock p. m. The

nesses I intend to examine and their places of residence are in addition to those whose names I have heretofore given you in my notices of February 9 and 18, 1875, as follows: O. C. Gregg, marshal Lyon County, Minnesota; W. M. Pierce, marshal Lyon County, Minnesota; G. W. Linderman, southwest precinct, marshal Lyon County, Minnesota; C. H. Bullock, southwest precinct, marshal Lyon County, Minnesota; Jesse Wynn, Hawk Creek, Minnesota; A. B. Hale, Sacred Heart, Minnesota; Ed. O'Hara, Cairo, Minnesota; and the supervisors and clerk of the south precinct, whose names are unknown in Lyon County, but will be furnished on the day of hearing.

Respectfully,

E. ST. JULIEN COX,
Contestant.

J. M. GILLMAN,
Attorney for Contestant.

Hon. H. B. STRAIT,
Respondent.

Due service hereof is hereby admitted February 24, 1875.

L. M. BROWN,
Attorney for H. B. Strait, M. C.

COUNTY OF SCOTT, ss:

I hereby certify and return that on this 9th day of March, 1875, I served a true copy of the within notice upon the within named H. B. Strait, by leaving a true copy thereof at his usual place of abode in said county, with a person of suitable age and discretion, the said Strait not to be found in said county.

DENNIS FLAHERTY,
Sheriff of Scott County.

Subpœna, March 1, 1875.

UNITED STATES OF AMERICA,

State of Minnesota, County of Nicollet, City of Saint Peter, ss:

To O. C. Gregg, W. M. Pierce, G. W. Linderman, C. H. Bullock, Jesse Wynn, A. B. Hale, Ed. O'Hara:

You are hereby required and commanded to be and appear, laying aside all excuses and business whatsoever, before the subscriber, a notary public, residing within the second congressional district, State of Minnesota, and duly qualified to take testimony in contested-election cases for members of Congress, at the office of the auditor of Lyon County, said State, at Marshall, said county, on Friday the 12th day of March, A. D. 1875, at 9 o'clock a. m., then and there to be examined concerning the contested election for member of the House of Representatives of the United States of America from said second congressional district, for which H. B. Strait is returned as member for the Forty-fourth Congress and for which E. St. Julien Cox is contestant, for said contestant.

This you are not to omit under the penalty of \$20 and punishment by fine and imprisonment, according to act of Congress in such case made and provided.

Witness the said notary public, who has hereto set his hand and affixed his notarial seal this 2d day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

NICOLLET COUNTY, ss :

E. O. Hara, being sworn, says he served within subpoena upon A. B. Hale, personally, the 8th day of March, 1875.

E. O. HARA.

Subscribed and sworn to March 12, 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Subpœna, March 1, 1875.

UNITED STATES OF AMERICA,

State of Minnesota, County of Nicollet, City of Saint Peter :

To O. C. Gregg, county auditor of Lyon County ; G. W. Lindemann, C. H. Bullock, ——— ———, clerk of the southwest precinct of Lyon County, whose name is unknown :

You are hereby required and commanded that, laying aside all excuses and business whatsoever, you be and appear before the subscriber, a notary public, residing in the second congressional district of the State of Minnesota, and duly qualified to take testimony in cases of contested elections for members of Congress, on Friday, the 12th day of March, A. D. 1875, 3 o'clock p. m., at the office of the county auditor of Lyon County, at the village of Marshall, in said Lyon County, State of Minnesota, to be then and there examined touching the contested election of a member of the House of Representatives of the United States of America from the said second congressional district, for which H. B. Strait is returned as member for the Forty-fourth Congress and E. St. Julien Cox is contestant in favor of said contestant.

This you are not to omit under a penalty of \$20 and punishment by fine and imprisonment, according to act of Congress in such case made and provided.

Witness the said notary public, who has hereunto set his hand and affixed his notarial seal this 6th day of March, A. D. 1875.

C. R. DAVIS,
Notary Public, Minnesota.

LYON COUNTY, ss :

W. M. Pierce, being duly sworn, says he served the foregoing subpoena upon O. C. Gregg, county auditor of Lyon County, personally, by reading over same to him and paying him his fees for travel and per diem on the 8th day of March, 1875.

W. M. PIERCE.

Subscribed and sworn to before me, March 12, 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Deposition of O. C. Gregg.

STATE OF MINNESOTA,

County of Lyon, Village of Marshall, ss :

MARCH 12, 1875.

O. C. GREGG, a witness produced by E. St. Julien Cox, contestant, being duly sworn by me according to law, deposes and says :

The respondent objects to the taking of any testimony at this time for the reason that the contestant's time has expired.)

Question. Are you the county auditor and *ex-officio* clerk of the board of county commissioners of the county of Lyon?—Answer. I am.

Q. As such, have you had the custody of the records of the board of county commissioners of the county of Lyon?—A. I have.

Q. Was there a meeting of the board of county commissioners of Lyon County held October 5, 1874?—A. There was; and I think it was of that date, but am not certain.

Q. Have you a record of that meeting?—A. I have.

Q. Have you a commissioners' record?—A. I have.

Q. Are the proceedings of that meeting recorded in that record?—A. They are not.

Q. Is the record of that meeting kept as shown by Exhibit G hereunto attached and offered in evidence?

(Objected to by respondent for the reason that it is irrelevant, immaterial, and not warranted by the notice of contest.)

A. It is.

Q. At whose request was that meeting called?—A. The call was upon my order, and at the request of two of the commissioners; but what two I cannot say.

Q. What was the date of making the call?—A. I have no record of the date, and no recollection of the date.

Q. How many days' notice of this particular meeting was given by the county auditor to the board of commissioners?—A. I cannot state from memory the number of days' notice given for this particular meeting; but our rule followed is ten days or more.

Q. Was there positively ten days' notice given in this case?—A. I cannot say that there was.

Q. The organization of the southeast election district, was it based upon a petition of any legal voters embraced within that territory?

(Objected to by respondent as being immaterial and incompetent.)

A. It was not.

Q. Have you the returns of what purports to be the southeast election district of Lyon County at the last election for Congressman?—A. I have.

Q. How many votes appear from that return to have been cast and returned for member of Congress for the second district, and for whom? (Objected to as incompetent.)

A. H. B. Strait received 33 votes and none for E. St. Julien Cox.

Q. Did the officers of that district make and return a list, or what purported to be a list, of the voters who voted at that election in that district?—A. They did.

(The contestant will offer now a certified copy of the poll-list of the voters who voted at that election in the southeast district aforesaid, and hereunto attached, and marked H.)

Q. Can you give the governmental subdivisions of said election district?—A. Township 109, range 40, Lyon County.

Q. Have you the record in your office of the organization of an election precinct called Blan Avon in said county, and referred to in Exhibit G?—A. I have.

Q. The organization of Blan Avon election precinct, was it based upon a petition of any legal voters embraced within that territory?

(Objected to as incompetent and immaterial.)

A. It was not.

Q. In what section, township, and range is the house of Ole Railson situate, where the election was held last November in southeast district?—A. Southeast quarter of section 22, township 109, range 40.

Q. In what township and range was the nearest polls held to the last above-named election district?

(Objected to as being incompetent and immaterial. The respondent also objects to any evidence relative to the location of voting-precincts or places of voting in Lyon County, for the reason that it is not referred to or contemplated by the notice of contest.)

A. I know of one on the northwest quarter of section 32, township 110, range 40.

Q. Do you know where the election was held in Blan Avon election precinct aforesaid, or have you any means of knowing it within your office?—A. Don't know the section, but do the township and range.

Q. Was there any evidence before the board of county commissioners as to where the residence of J. Reese was situated?—A. There was not.

Q. Have you the election-returns of the town of Blaen Avon aforesaid of votes cast for member of Congress for second district at the last general election?—A. I have.

Q. From the said returns from that place can you give a certificate of the number of votes cast for member of Congress for second district at last election?

(Objected to as being incompetent and not within the notice of contest.)

A. I can. E. St. Julien Cox received 4 votes, H. B. Strait received 14 votes.

Q. Have you a poll-list purporting to be the names of voters who voted at that place at the last election for member of Congress for second district?—A. I have.

(A certified copy of which is hereunto annexed and marked Exhibit J.)

Q. Was the organization of any of the election districts or precincts mentioned in Exhibit G, hereunto attached, based upon a petition of any of the legal voters residing within the territory embraced within said territory?

(Objected to by respondent as being incompetent and immaterial and not within the notice.)

A. They were not.

Q. Was there at the time of the creating of said districts by the board of county commissioners of Lyon County, or before or since, municipal organization existing and embraced within the territory aforesaid?

(Objected to same as above.)

A. There was not.

Q. Is there within or as shown by Exhibit G any one election district or precinct, where the polls were held, that is ten miles or more from the nearest place of holding polls?—A. I think not, except within the Northeast district.

Q. The polls as held at the November election last, in the various districts as appointed by the board of commissioners, and as set forth in Exhibit G, were all within ten miles of each other to your knowledge, except the Northeast precinct, which you are not informed as to the distance?—A. Yes.

Q. Have you the returns of Michigan election-precinct, South election-district, East election-precinct, Ceresco election-precinct, and Northeast election-district?—A. I have.

Q. In the election-precinct of Ceresco is there any return of the names of the qualified voters who voted at said precinct at the last general election certified to by the judges or clerks of said election?—A. There is no certified returns as appears by the returns on file in my office.

Q. In the South election-district, was there any certified return of the name of the voters who voted at the last general election held in said district?—A. There is not a certified return, but there is what purports to be a return.

Q. East election-precinct is composed of township 111, range 40, is it not?—A. It is.

Q. Is there what purports to be a certified poll-list of the voters who voted at the last election in said precinct on file in your office?—A. There is a certified copy of said poll-list, hereunto attached and marked Exhibit K.

Q. The Northeast election-district is composed of township 113, ranges 41 and 42, is it not?—A. It is.

Q. Is there any certified return of the names of the qualified voters who voted at the last election held in said district now on file in your office?—A. There is what purports to be a certificate, it being in blank.

Q. Is there an abstract of votes cast in that district at the last election for member of Congress for the second district on file in your office?—A. There is.

Q. Please give the name, and spell it, of member of Congress who received votes in said election-district at last election, as shown by that abstract.

(Objected to by respondent as being incompetent.)

A. Horace B. Strait.

Q. Is Exhibit G a verbatim copy of the proceedings of the board of county commissioners of the October meeting, 1874?—A. It is a copy of my record, and not copied from any book of records. I have a book in my office called the commissioners' record.

Cross-examination under protest by attorney for respondent :

Q. State why it is that the proceedings of that meeting of the board of commissioners has not been copied into your record.—A. The books of auditor's office are all new. When I took the office my predecessor had not recorded the proceedings of the commissioners, and I wished to record them so that they should appear in their order in the book.

Q. Is Exhibit G a true record of the proceedings of the commissioners?—A. It is.

You have already identified poll-list of Ceresco precinct, returned at the last election, and respondent offers a certified copy of said returned poll-list and hereunto attached and marked Exhibit L. Respondent offers the whole of the poll-list returned from Southeast, East, and Blaen Arons election-precincts marked M, N, and O.

Redirect :

Q. How many pages have you now filled up in your commissioners' book of record?—A. Forty-eight pages; I took the office two years ago.

Q. What is the date of the first entry in said book by you and of your own as county auditor?—A. January 7, 1873; last entry, January 20, 1874.

Q. Were the proceedings of October 5, 1874, of the commissioners organizing election-districts aforesaid signed by the chairman or either of the commissioners?—A. Signed by the chairman and attested by the auditor.

Recross :

Q. State if all the proceedings of the board of commissioners since the date of the last entry in your book are unrecorded.—A. They are.
O. C. GREGG.

Subscribed and sworn to before me this 12th day of March, A. D 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Deposition of Jesse Wynn.

STATE OF MINNESOTA,

County of Lyon, Village of Marshall, ss :

MARCH 12, 1875.

JESSE WYNN, a witness produced by E. St. Julien Cox, and being duly sworn, says :

Question. Where do you reside ?—Answer. In Renville County, State of Minnesota, town of Hawk Creek, and was present at the last general election held at that town in November last.

Q. At whose house were said election-polls held ?—A. At a school house.

Q. Do you know at what time the polls were opened on that day ?—A. Cannot tell the exact time.

Q. Were the polls closed at noon at that place and at that election ?—A. They were, for the space of one hour at least.

Q. Was the ballot-box left and no votes received by the judges and clerk of said election during said hour ?—A. It was left in the room where the polls were held during said hour, and the judges and clerks were out and around said school-house.

Q. Was anybody in charge of said ballot-box ?—A. I did not see anybody in particular.

Q. Was the ballot-box sealed up during this hour ?—A. It was not.

Q. Was there much of a crowd in and around the room where the ballot-box was during this hour ?—A. There was ; from twenty-five to fifty.

Q. Did the crowd have access to the ballot-box during that hour ?—A. They did.

Q. Was there anything or person to prevent them from putting as many ballots as they desired into that ballot-box during that hour ?—A. I think not.

Cross examined under protest :

Q. How came the judges to adjourn the election at that time ?—A. Suppose for dinner.

Q. Did you see all of the judges and all of the clerks out of that room during said time at any one time ?—A. I can't say that I did.

Q. Can you say that you saw all of the judges out at any one time ?—A. I can't say positive.

Redirect :

Q. Did you see the ballot-box during said hour at any time without any of the judges or clerks near it or around it ?—A. I did.

Recross :

Q. What was the size of the school-room ?—A. About 25 by 30 feet.
JESSE WYNN.

Subscribed and sworn to before me this 12th day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Deposition of W. M. Pierce.

STATE OF MINNESOTA,

County of Lyon, village of Marshall, ss :

MARCH 12, 1875.

W. M. PIERCE, a witness produced by E. St. Julien Cox, and being duly sworn, deposes and says :

Question. How long have you resided in this county ?—Answer. Four years last June.

Q. Do you know where the house of Ole O. Brenna is situate in the northeast election district, mentioned in Exhibit G ?—A. I do.

Q. Do you know where he lived on last election-day in that district ?—A. I do.

Q. How far is it from where he then lived to the nearest election-polls held at the last general election ?—A. About four miles from the polls held on said election-day in the organized town of Lucas.

W. M. PIERCE.

Subscribed and sworn to before me this 12th day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

Deposition of E. B. Hale.

STATE OF MINNESOTA,

County of Lyon, village of Marshall, ss :

MARCH 12, 1875.

E. B. HALE, a witness produced by E. St. Julien Cox, and being duly sworn, deposes and says :

Question. Where do you reside ?—Answer. Town of Sacred Heart, county of Renville, Minnesota.

Q. Were you the clerk of the election held at said town at the last general election, 1874 ?—A. I was.

Q. Was there any adjournment or closing of said polls at noon of said election-day ?—A. There was, at noon, for the space of one hour or an hour and one-half, during which time no votes were received by the judges of said election.

Q. Was the ballot-box sealed up during said adjournment ?—A. It was not.

Q. Did the judges of election on that day, who were first sworn as such judges, act as judges of said election during the whole of said day ?—A. They did.

Q. Did the supervisors of that town act as judges of that election on

that day?—A. Two of them did and one did not, he being appointed by the other two supervisors and not chosen by the electors present.

Q. Do you know of any minors or unnaturalized persons voting at that election on that day?

(Objected to for the reason that their names do not appear in the notice, and no notice has been given of illegal votes by contestant.)

A. I do.

Q. How were the returns conveyed from the board of town-canvassers to the county auditor, and were they sealed or not?—A. They were unsealed and rolled up in a newspaper and tied with a piece of yarn, and I conveyed them.

Cross-examined under protest:

Q. Did you deliver the returns to the county auditor just as you received them from the town-canvassers?—A. I did.

E. B. HALE.

Subscribed and sworn to before me this 12th day of March, A. D. 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

EXHIBIT G.

AUDITOR'S OFFICE, MARSHALL, MINN.,
October 5, 1874—11 a. m.

Special meeting of county board was assembled in accordance with call of county auditor. Members present as follows: Jas. Mitchell, jr., chairman; T. W. Caster.

Board called to order by James Mitchell, jr.

Board proceeded to consider the wants of the county relative to election precincts.

On motion, adjourned until 1 p. m.

O. C. GREGG, *Auditor.*

OCTOBER 5, 1874—1 p. m.

Meeting called to order by J. Mitchell, jr.

Members present as follows: Jas. Mitchell, jr., chairman; T. W. Caster.

On motion, township 109, range 40, was organized into an election-precinct, and called the "Southeast election precinct."

Board designated the house of Olie Rialson as the place of holding election, and the following-named persons as judges and clerk of election: E. L. Starr, judge; Olie Rialson, judge; Ed. Morgan, judge; Reese Davis, clerk.

On motion, township 109, range 41, was organized into an election-precinct, and called "Blan Avon."

Board designated the house of Rev. J. Reese as the place for holding election, and the following-named persons for officers of election: John I. Jones, judge; Richard Hughes, judge; Geo. Robinson, judge; Ben. Thomas, clerk.

On motion, board organized township 110, range 41, into an election-district, called "Michigan election-district," and appointed officers as follows: Nathan Warn, judge; M. Lee, judge; M. Steele, judge; Jno. H. Clark, clerk.

Election to be held at house of N. Warn.

On motion, board appointed officers for "South election-district," as follows: E. Lamb, judge; Van Fleet, sr., judge; G. W. Linderman, judge; Edson Weeks, clerk.

Board designated the house of C. H. Bullock as the place for holding such election.

On motion, board organized the south half of old East election precinct, viz, township 111, range 40, into an election-district, and was called the "East election-precinct." Officers were appointed as follows: R. D. Barnes, judge; C. A. Cook, judge; G. P. Ladenburgh, judge; S. B. Wheeler, clerk.

Election to be held at the house of R. D. Barnes.

On motion, the board organized the north half of said old east election-district, viz, township 112, range 40, into an election-precinct, and called "Cuesca." Officers appointed as follows: C. A. Knox, judge; Jas. White, judge; D. McKinley, judge; C. Kennedy, clerk.

The house of C. A. Knox was designated the place of holding such election.

On motion, board appointed officers for election in northeast election-district as follows: Olie O. Brena, judge; Hans. Samuelson, judge; Erastus Hanson, judge; H. C. Bemis, clerk; H. P. Johnson, clerk.

The house of Olie O. Brena was designated as the place of holding such election.

MARSHALL, LYON COUNTY, MINN.,
December 30, 1874.

I, O. C. Gregg, county auditor in and for the county of Lyon, and State of Minnesota, do hereby certify that the foregoing is a true and correct extract of the journal of a meeting of the county commissioners of the county and State aforesaid, now on file in my office, said meeting having been held October 5, 1874.

Witness my hand and seal, this 30th day of December, A. D. 1874.

[SEAL.]

O. C. GREGG,
County Auditor.

EXHIBIT H.—Poll-list.

- | | |
|-----------------------|------------------------|
| 1 Abernathy, James | 13 McNab, Donald |
| 2 Bullock, C. H. | 14 Nicholas, Lucius |
| 3 Crouch, James H. | 15 Osborn, C. L. |
| 4 Fellows, Lyman | 16 Odekirk, |
| 5 Glottfelter, Geo. | 17 Persons, Orville E. |
| 6 Gifford, E. W. | 18 Town, Lucius |
| 7 Ham, William | 19 Town, Alva |
| 8 Ham, Emory | 20 Van Fleet, John A. |
| 9 Lamb, Edmund | 21 Weeks, Edson |
| 10 Livingstone, Wm | 22 Town, Clark |
| 11 Linderman, Geo. W. | 23 Foredyce, H. D. |
| 12 McKay, John | |

I hereby certify that I have carefully examined the foregoing copy with the original poll-list of south election-precinct, of Lyon County, and that the same is an exact copy thereof.

Witness my hand and official seal, this 12th day of March, A. D. 1875.

Given at Marshall, Lyon County, Minnesota.

[SEAL.]

O. C. GREGG,
County Auditor.

EXHIBIT J.—*Poll-list.*

- | | |
|--------------------|--------------------|
| 1 Avery, John | 11 Johnson, A. |
| 2 Bickford, Wm. D. | 12 Jones, J. I. |
| 3 Delong, W. F. | 13 Morgan, Richard |
| 4 Evans, Jeremiah | 14 Masters, H. C. |
| 5 Evans, Solomon | 15 Morgan, Jas. |
| 6 Griffith, D. E. | 16 Robinson, G. S. |
| 7 Harris, Thomas. | 17 Steele, James |
| 8 Hughes, W. H. | 18 Thomas, B. F. |
| 9 Hughes, R. H. | 19 Williams, H. H. |
| 10 Jones, D. W. | |

I hereby certify that I have carefully examined the foregoing with the original poll-list of Blan Avon election-precinct of Lyon County, and that the same is an exact copy thereof.

Witness my hand and official seal this 12th day of March, A.
Given at Marshall, Lyon County, Minnesota.

[SEAL.]

O. C. GREGG
County Auditor

EXHIBIT K.—*Poll-list.*

- | | |
|----------------------|-----------------|
| 1 Barnes, R. D.x | 9 Newhouse, H.x |
| 2 Barnes, M.x | 10 Mead, H. G.x |
| 3 Cook, C. A.x | 11 Mead, A. |
| 4 Dillman, C.x | 12 Truax, P. |
| 5 Dillman, J.x | 13 Truax, C.x |
| 6 Dillman, G. C.x | 14 Wilson, M.x |
| 7 Franklin, W. B.x | 15 Wilson, J.x |
| 8 Ladenburgh, G. P.x | |

I hereby certify that I have carefully examined the foregoing with the original poll-list of east election-precinct of Lyon County, and that the same is an exact copy thereof.

Witness my hand and official seal, this 12th day of March, A.
Given at Marshall, Lyon County, Minnesota.

[SEAL.]

O. C. GREGG
County Auditor

Poll-list for Blan Avon district, township 109, range 41, Lyon County of Minnesota.

STATE OF MINNESOTA, *Lyon County*, ss :

I, J. I. Jones, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and all other illegal conduct in conducting the same: so help me God.

JOHN I. JONES

Sworn and subscribed before me this 3d day of November, 18'
G. S. ROBINSON

STATE OF MINNESOTA, *Lyon County*, ss :

I, Richard H. Hughes, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and all other illegal conduct in conducting the same: so help me God.

of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

RICHARD H. HUGHES.

Sworn and subscribed before me this 3d day of November, 1874.

JOHN I. JONES.

STATE OF MINNESOTA, *Lyon County, ss :*

I, G. S. Robinson, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

G. S. ROBINSON.

Sworn to and subscribed before me this 3d day of November, 1874.

JOHN I. JONES.

STATE OF MINNESOTA, *Lyon County, ss :*

I, B. F. Thomas, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

B. F. THOMAS.

Sworn and subscribed before me this 3d day of November, 1874.

JOHN I. JONES.

STATE OF MINNESOTA, *Lyon County, ss :*

I, James Morgan, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

JAMES MORGAN.

Sworn and subscribed before me, this 3d day of November, 1874.

JOHN I. JONES.

List of qualified electors in the election-district composed of town. 109 of range 41, in the county of Lyon, State of Minnesota, for an election to be held in the second election-district, on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was nineteen, (19.)

Certified by us.

G. S. ROBINS N,
JOHN I. JONES,
R. H. HUGHES,
Judges of Election.
O. C. GREGG,
County Auditor.

[SEAL.]

Attest:

B. F. THOMAS,
JAMES MORGAN,
Clerks of Election.

Poll-list.

- | | |
|--------------------|--------------------|
| 1 Avery, John | 11 Johnson, A. |
| 2 Bickford, Wm. D. | 12 Jones, J. I. |
| 3 De Long, W. F. | 13 Morgan, Richard |
| 4 Evans, Jeremiah | 14 Masters, H. C. |
| 5 Evans, Solomon | 15 Morgan, James |
| 6 Griffith, D. E. | 16 Robinson, G. S. |
| 7 Harris, Thomas | 17 Steele, James |
| 8 Hughes, W. H. | 18 Thomas, B. F. |
| 9 Hughes, R. H. | 19 Williams, H. H. |
| 10 Jones, D. W. | |

STATE OF MINNESOTA, *County of Lyon, ss :*

I, O. C. Gregg, county auditor of said county of Lyon, do hereby certify that the foregoing is a true copy of the poll-list of Blan Avon election-precinct as returned to me, and that I have carefully compared the same with the original, on file in my office, and find it to be correct.

Witness my hand and seal this 13th day of March, A. D. 1875, at Marshall, Minn.

[SEAL.]

O. C. GREGG,
County Auditor.

Poll-list for ——— township, ——— county, State of Minnesota.

STATE OF MINNESOTA, *Lyon County, ss :*

I, R. D. Barnes, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

R. D. BARNES.

Sworn to and subscribed before me this 3d day of November, 1874.

C. A. COOK.

STATE OF MINNESOTA, *Lyon County, ss :*

I, C. A. Cook, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

C. A. COOK.

Sworn and subscribed before me this 3d day of November, 1874.

R. D. BARNES.

STATE OF MINNESOTA, *Lyon County, ss :*

I, G. P. Ladenburgh, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

G. P. LADENBURGH.

Sworn and subscribed before me this day of November, 1874.

R. D. BARNES.

STATE OF MINNESOTA, ——— County, ss :

I, S. B. Wheeler, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

S. B. WHEELER.

Sworn and subscribed before me this 3d day of November, 1874.

R. D. BARNES.

STATE OF MINNESOTA, ——— County, ss :

I, ———, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

M. WILSON.

Sworn and subscribed before me this 3d day of November, 1874.

R. D. BARNES.

List of qualified electors in the election-district composed of the east district of township 111, range 40, in the county of Lyon, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons, who were present and voting at the above-named election, was fourteen, (14.)

Certified by us:

R. D. BARNES,
C. A. COOK,
G. P. LADENBURGH,
Judges of Election.

Attest :

S. B. WHEELER,
M. WILSON,
Clerks of Election.

[SEAL.]

O. C. GREGG,
County Auditor.

Poll-list.

1 Barnes, R. D. x	9 Newhouse, H. x
2 Barnes, M. x	10 Mead, H. G. x
3 Cook, C. A. x	11 Mead, A.
4 Dillman, C. x	12 Truax, P. x
5 Dillman, J. x	13 Truax, C. x
6 Dillman, G. C. x	14 Wilson, M. x
7 Franklin, W. B. x	15 Wilson, J. x
8 Ladenburgh, G. P. x	

STATE OF MINNESOTA, County of Lyon, ss :

I, O. C. Gregg, county auditor of said county of Lyon, do hereby certify that the foregoing is a true copy of the poll-list of east election-precinct as returned to me, and that I have carefully compared the same with the original on file in my office, and find it to be correct.

Witness my hand and seal, at Marshall, this 13th day of March, A. D. 1875.

[SEAL.]

O. C. GREGG,
County Auditor.

*Poll-list for Cuesco precinct, Lyon County, State of Minnesota.*STATE OF MINNESOTA, *Lyon County, ss :*

I, C. A. Knox, do solemnly swear that I will perform the duties judge of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

C. A. KNOX

Sworn and subscribed before me this 3d day of November, 1874.

[NOTARIAL SEAL.]

E. B. JERRETT,

*Notary Public*STATE OF MINNESOTA, *Lyon County, ss :*

I, James White, do solemnly swear that I will perform the duties judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, conducting the same : so help me God.

JAMES + WHITE

Sworn and subscribed before me this 3d day of November, 1874.

[NOTARIAL SEAL.]

E. B. JEWETT,

*Notary Public*STATE OF MINNESOTA, *Lyon County, ss :*

I, D. McKinley, do solemnly swear that I will perform the duties judge of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, conducting the same : so help me God.

D. MCKINLEY

Sworn and subscribed before me this 3d day of November, 1874.

[NOTARIAL SEAL.]

E. B. JEWETT,

*Notary Public*STATE OF MINNESOTA, *Lyon County, ss :*

I, C. Kennedy, do solemnly swear that I will perform the duties clerk of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, conducting the same : so help me God.

CHAS. KENNEDY

Sworn and subscribed before me this 3d day of November, 1874.

[NOTARIAL SEAL.]

E. B. JEWETT,

*Notary Public*STATE OF MINNESOTA, *Lyon County, ss :*

I, Charles E. Higby, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

CHARLES E. HIGBY

Sworn and subscribed before me this 3d day of November, 1874.

[NOTARIAL SEAL.]

E. B. JEWETT,

Notary Public

List of qualified electors in the election-district composed of the _____ of _____, in the county of _____, State of Minnesota, for an election to be held in the said election-district on the _____ day of _____, 187-.

The whole number of the following-named persons who were present and voting at the above-named election was _____

Certified by us.

Attest :

_____,
_____,
Clerks of Election.

_____,
_____,
_____,
Judges of Election.

[SEAL.]

O. C. GREGG,
County Auditor.

Poll-list.

- | | |
|--------------------|---------------------|
| • 1 D. McKinley. | * 11 Chas. Gruer. |
| • 2 Chas. Knox. | * 12 E. Wilson. |
| • 3 Chas. Kennedy. | * 13 T. W. Caster. |
| • 4 Chas. Higby. | * 14 A. E. Watkins. |
| • 5 O. Paterson. | * 15 D. Monroe. |
| • 6 C. A. Knox. | * 16 Wm. Monroe. |
| 7 John Gery. | 17 C. McNevin. |
| 8 James Gery. | 18 G. Husick. |
| • 9 James White. | 19 A. Filman. |
| • 10 Chas. Curry. | |

STATE OF MINNESOTA, *County of Lyon, ss :*

I, O. C. Gregg, county auditor of said county of Lyon, do hereby certify that the foregoing is a true copy of the poll-list of Cuesco precinct as returned to me, and that I have carefully compared the same with the original on file in my office and find it to be correct.

Witness my hand and seal at Marshall, this 13th day of March, A. D. 1875.

[SEAL.]

O. C. GREGG,
County Auditor.

Abstract of votes of Sibley County.

STATE OF MINNESOTA, _____ County, ss :

At an election held at New Auburn, Sibley County, in the election-district composed of the _____ of _____, in the county of _____, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief justice of the supreme court.—S. J. R. McMillan received eighty-two (82) votes; Wescott Wilken received ten (10) votes.

For member of Congress.—H. R. Strait received seventy-one (71) votes; E. St. Julius Cox received nineteen (19) votes.

For county auditor.—Christ. Didra received seventy-seven (77) votes; Chas. Keller received twelve (12) votes.

For sheriff.—J. P. Allison received seventy-eight (78) votes; Pat Bray received thirteen (13) votes.

For judge of probate.

For clerk of district court.

For county surveyor.

For State senator.

For representatives of the legislature.—J. C. Edson received seventy-five (75) votes; L. Gillick received thirteen (13) votes.

For county commissioners.—Ed. Connelly received seventy (70) votes; Wm. Cairncross received eighteen (18) votes; Miles Slaven received two (2) votes.

For removal of county seat.—Twenty-two (22) votes.

For associate justices of the supreme court.—F. R. E. Carwell received eighty-two (82) votes; Wm. Lochren received ten (10) votes.

For judge of the district court.

For county treasurer.

For register of deeds.—Wm. Carroll received ninety-one (91) votes; G. Rapke received one (1) vote.

County attorney.—S. Fowler received eighty-seven (87) votes; W. E. White received four (4) votes.

For court commissioner.

For county coroner.—Murice Joyce received two (2) votes.

For State senator.

For representative of the legislature.

For county commissioner.

Against the removal of county seat.—Sixty-nine (69) votes.

Certified by us :

WM. ARNOLD,
B. F. STAEKING,
E. L. SMITH,
Judges of Election.

Attest:

S. V. BURT,
FRED. STREICH,
Clerks of Election.

STATE OF MINNESOTA,

County of Sibley, Auditor's Office, ss :

I, Christ. Didra, auditor of the county of Sibley, in the State of Minnesota, do hereby certify that the foregoing election-return of the _____ Sibley County, Minnesota, is a true and correct copy of the original on file in this office.

Witness my hand and seal at Henderson, this 5th day of April A. D. 1875.

[SEAL.]

CHRIST. DIDRA,
Auditor Sibley County, Minn.

Poll-list for Rock Lake precinct, Lyon County, State of Minnesota.

STATE OF MINNESOTA, *Lyon County, ss :*

I, George W. Linderman, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my

ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

G. W. LINDERMAN.

Sworn and subscribed before me this 3d day of November, 1874.

JOHN A. VAN FLEET,
Judge of Election.

STATE OF MINNESOTA, *Lyon County*, ss:

I, Edmund Lamb, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

EDMUND LAMB.

Sworn and subscribed before me this 3d day of November, 1874.

JOHN A. VAN FLEET,
Judge of Election.

STATE OF MINNESOTA, *Lyon County*, ss:

I, John A. Van Fleet, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

JOHN A. VAN FLEET.

Sworn and subscribed before me this 3d day of November, 1874.

EDMUND LAMB,
Judge of Election.

STATE OF MINNESOTA, *Lyon County*, ss:

I, Lucius Town, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

LUCIUS TOWN.

Sworn and subscribed before me this 3d day of November, 1874.

EDMUND LAMB,
Judge of Election.

STATE OF MINNESOTA, *Lyon County*, ss:

I, C. H. Bullock, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

C. H. BULLOCK.

Sworn and subscribed before me this 3d day of November, 1874.

EDMUND LAMB,
Judge of Election.

List of qualified electors in the election-district composed of ranges 42 and 43, of township 109, in the county of Lyon, State of Minnesota, for an election to be held in the said election-district on the 3d day of November 1874.

The whole number of the following-named persons who were present and voting at the above-named election was ———.

Certified by us:

JOHN A. VAN FLEET,
EDMUND LAMB,
G. W. LINDERMAN,
Judges of Election.

Attest:

C. H. BULLOCK,
LUCIUS TOWN,
Clerks of Election.

[SEAL.]

O. C. GREGG,
County Auditor.

Poll-list.

1 Abernethy, James	13 McNab, Donald
2 Bullock, C. H.	14 Nichols, Lucius
3 Crouch, James F.	15 Osborn, C. L.
4 Fellows, Lyman	16 Odekirk, ———.
5 Glottfetter, Geo.	17 Persons, Orville E.
6 Gifford, E. W.	18 Town, Lucius
7 Ham, William	19 Town, Alva
8 Ham, Emory	20 Van Fleet, John A.
9 Lamb, Edmund	21 Weeks, Edson
10 Livingstone, Wm.	22 Town, Clark
11 Linderman, Geo. W.	23 Fordyce, H. D.
12 McKay, John	

STATE OF MINNESOTA, *County of Lyon, ss:*

I, O. C. Gregg, county auditor of said county of Lyon, do hereby certify that the foregoing is a true copy of the poll-list of the south election-precinct as returned to me, and that I have carefully compared the same with the original on file in my office, and find it to be correct.

Witness my hand and seal, at Marshall, this 13th day of March, A. D. 1875.

[SEAL.]

O. C. GREGG,
County Auditor.

Certificate of notary.

I hereby certify that the foregoing embraces the testimony taken before me at the times and places in the foregoing notices and in pursuance thereof, and together with exhibits furnished by respondent, April 19, 1875, constituting all taken by me in the contested-election case for a seat in the Forty-fourth Congress, from the second congressional district and State of Minnesota, wherein E. St. Julien Cox is contestant, and H. B. Strait respondent, under said notices hereto annexed. Subpœnas with service inclosed. Given under my hand April 20, 1875.

[SEAL.]

C. R. DAVIS,
Notary Public, Minnesota.

CONTESTEE'S PAPERS.

Notice to take testimony, February 26, 1875.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

SHAKOPEE, February 26, 1875.

SIR: You are hereby notified that in pursuance of an act of Congress entitled "An act to prescribe the mode of obtaining evidence in cases of contested elections," passed the 19th day of February, 1851, and acts supplementary and amendatory thereof, it is my intention to examine the following witnesses before D. A. Brown, esq., the city recorder of the city of Shakopee, in the county of Scott, and State of Minnesota, a notary public duly qualified and authorized to take such testimony and examine such witnesses, such notary and recorder residing within said congressional district, at the office of the county auditor of Carver County, in the village of Chaska, in said Carver County, on Thursday the 4th day of March, A. D. 1875, at 11 o'clock a. m., and each successive day thereafter, (Sundays excepted,) until the testimony is taken, and such witnesses examined, commencing at the hour of 11 o'clock a. m. The witnesses I intend to examine and their places of residence are as follows:

The town clerk of the town of Camden, Camden, Carver County, Minnesota, whose name is Richard Patterson. The town clerk of the town of Young America, Young America, Carver County, Minnesota, whose name is Julius Ackerman. The town clerk of the town of Chauhassen, Chauhassen, Carver County, Minnesota, whose name is Henry Ashden. The town clerk of the town of Laketown, Laketown, Carver County, Minnesota, whose name is Henry Gersden. The town clerk of the town of Carver, Carver County, Minnesota, whose name is William Benson. The town clerk of the town of Benton, Benton, Carver County, Minnesota, whose name is Edward Reise. The county auditor of Carver County, Chaska, Carver County, Minnesota, whose name is Leonard Strenkens. The deputy county auditor of Carver County, Chaska, Carver County, Minnesota, whose name is Gustave Krayenbuhl.

H. B. STRAIT,

Contestee.

By BROWN & PECK,

His Attorneys.

Hon. E. ST. JULIEN COX,

Contestant.

Due service hereof admitted, by copy, this 1st day of March, 1875.

Protest of contestant.

SCHEDULE A, EXHIBIT A.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress:

Contestant protests against the taking of any testimony before D. A. Brown, esq., city recorder of the city of Shakopee and a notary pub-

lic, at the time and place mentioned in the notice served by Messrs. Brown & Peck, attorneys for H. B. Strait, upon E. St. Julien Cox, upon the first day of March, 1875, at 7.55 o'clock p. m., the hearing therein set down for Thursday, the 4th day of March, 1875, at 11 o'clock a. m., at Chaska, in the county of Carver.

First. For the reasons that said notice was and is served too late for a hearing at the time mentioned.

Second. That the time limited for taking the testimony of contestant, viz, forty days, has not yet expired, and that the respondent's time has not yet commenced to run, and that it is a fraudulent attempt to embarrass the contestant in taking his testimony, and no notice had been served upon contestant's attorney. •

E. ST. JULIEN COX,
Contestant, in person.

Deposition of Leonard Strenkens.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

LEONARD STRENKENS being called as a witness on the part of the returned member, Hon. H. B. Strait, after being first duly sworn, testified as follows, to wit:

(Before the examination commenced the contestant filed objections in writing, which are hereto attached, and marked Schedule A; also objects to the testimony of each and every witness being taken, because the respondent's notice was served too late for a hearing at this time, to wit, five days. That the time limited for taking testimony of contestant, viz, forty days, has not expired.)

Question. State whether you are the county auditor of Carver County, Minnesota.—Answer. I am.

Q. State how long you have been county auditor, and acting as such all the time.—A. Two years.

Q. State if you have in your office as such auditor the election-returns from the several election-precincts in your county, of the last general election, held November 3, 1874.—A. I have.

Q. Produce the returns for the towns of Camden, Young America, Chauhassen, Laketown, Carver, and Benton.

(Returns from the several towns last mentioned of the aforementioned election were presented and identified by the witness as the returns returned to him as county auditor, by the judges of election of said towns.)

Q. State if those are all of the returns received by you from said towns of the said election.—A. They are.

Q. State if there were ever returned to you any registry poll-lists from the several election-precincts of said county before referred to.

(Objected to by contestant as incompetent and immaterial, and not the best evidence.)

A. There were none.

Q. State if you were one of the canvassing board that canvassed the votes for member of Congress from the second district, in this county, at said late election, from the towns before referred to.—A. I was present, but did not act on the board in said canvass.

Q. State who composed that canvassing board.—A. Judge Sargent, Petter Illis, justice of the peace, and Gustave Krayenbuhl, deputy county auditor.

(Contestee offers and introduces the returns of election from the several election-precincts before referred to of the said election, certified copies of which are hereto attached and marked Exhibits B, C, D, E, F, and G.)

(Objected to by contestant as incompetent, irrelevant, and immaterial.)

Q. Now state what evidence, if any, the canvassing board had at the time of the canvassing of the votes for member of Congress, other than the returns heretofore referred to.—A. No others that I know of.

(Objected to by contestant as incompetent, and immaterial, and irrelevant, as this witness was not a member of the board.)

Q. State if you know when the canvass was made by the canvassing board.—A. The 6th day of November, 1874.

Q. State if you made the returns of the votes cast for member of Congress to the secretary of state.—A. Yes.

Q. State if that return was made upon the vote ascertained from these returns from the several towns heretofore referred to.—A. It was.

Cross-examined :

(Contestant proceeded to cross-examine witness under protest, as he stated.)

Q. Was there a poll-list returned from each of said towns?—A. There was.

Q. Were these poll-lists contained in the returns offered here in evidence?—A. They are.

Redirect examination :

Q. State if what you mean by poll-lists is a list of the voters who voted at the said election.—A. It is.

L. STRENKENS.

Subscribed and sworn to before me March 4, 1875.

[SEAL.]

D. A. BROWN,

*City Recorder of the City of Shakopee, and
Notary Public Scott County, Minnesota.*

Deposition of Edward Reusse.

EDWARD REUSSE, being called as a witness on the part of the contestee, after being first duly sworn, testified as follows, to wit :

Question. State if you are the town clerk of the town of Benton, Carver County, Minnesota.—Answer. I am.

Q. Were you such at the last general election, held November 3, 1874?—A. I was.

Q. Is Benton Township an election-precinct by itself?—A. It is.
(Witness shown Schedule G.)

Q. State if that is the poll-list used at the last general election in the town of Benton.—A. It is.

Q. Is the name of yourself on that list your signature?—A. Yes.

Q. Are you the person who administered the oath to the judges of election, as appears on the poll-list?—A. I am.

Q. Did the persons whose names appear there as judges of election act as such judges at that election?—A. They did.

Q. State whether you have in your office as town clerk a duplicate of this Schedule G.—A. I have.

Q. In whose handwriting is the names of the voters on this list?—A. It is my own writing.

Q. Is the duplicate of this in your office in your handwriting?—A. Yes.

Q. Have you any of the lists that were posted up in your office?—A. I have not.

Cross-examined:

Q. What indicates the names of the persons voting on said list?—A. The checks on the right of names indicate them.

EDWARD REUSSE.

Subscribed and sworn to before me March 4, 1875.

[SEAL.]

D. A. BROWN,
*City Recorder City of Shakopee, and
Notary Public of Scott County, Minnesota.*

Deposition of Julius Ackermann.

JULIUS ACKERMANN being called as a witness on the part of the contestee, after being first duly sworn, testified as follows, to wit:

Question. State if you are the town clerk of the town of Young America.—Answer. I am.

Q. Were you such and acting as such at the last general election?—A. I was. (Witness shown Schedule C.)

Q. State if you ever saw that before.—A. I did.

Q. When and where?—A. At the polls in Young America on the day of the last general election.

Q. Is Young America an election-precinct by itself?—A. It is.

Q. Were you present at the polls at the last general election all day?—A. I was.

Q. In what official capacity were you acting on that day?—A. I was clerk of election.

Q. In whose handwriting is this poll-list, Schedule C?—A. In mine; I made it.

Q. When was it made?—A. It was made after the election.

Q. In what manner was it made?—A. The judges were sworn in; each man as he voted his name was written down on the list.

Q. Was there any other list used at said election?—A. There was a copy of this used by and made by the other clerk in the same manner this was made.

Q. Have you a duplicate of this, made in the manner you state, in your office?—A. I have.

Q. Did the persons whose names appear on this list as judges of election act as such?—A. They did.

Q. Were there any other lists made and used at said election, except this one and the other one made by your associate clerk?—A. No.

Q. Where was that election held?—A. At the school-house in Norwood, in the township of Young America.

Q. State if the judges of election adjourned the election for dinner.—A. They did.

Q. From what time to what time?—A. From about a quarter past 12 to a quarter of 1 o'clock; the polls were closed during that time.

Q. Where did the judges of election go for dinner?—A. They went about two blocks from the place of holding election for dinner.

Q. What was done with the ballot-boxes during that time?—A. They (the judges) closed it up and took it along with them.

Q. Who took the ballot-box from the place of holding election to the dinner place?—A. I did.

Q. Did you vote at that election?—A. I did.

Q. For whom did you vote for member of Congress from this district? (Objected to as incompetent, irrelevant, and immaterial, by contestant.)

A. I voted for H. B. Strait.

Q. State whether in politics you are a democrat or a republican. (Objected to by contestant as incompetent, irrelevant, and immaterial.)

A. I am a liberal republican.

Cross-examined:

Q. Were there any poll-lists made out and posted up by the judges prior to the election?—A. There was.

Q. How many?—A. Three.

Q. How long before election?—A. I think twenty days.

Q. Did you have any of those lists at the election?—A. Yes; we had two of them.

Q. Were those used for the purpose of knowing who was entitled to vote?—A. They were.

Q. Did the board meet before election to correct those lists?—A. They met the morning before election and corrected them.

Q. Have you one of those original lists on file in your office?—A. I have.

Q. Did you return one to the county auditor?—A. No.

Q. What was the politics of your associate clerk?—A. Liberal republican.

Q. What was the politics of the judges?—A. Two democrats and one liberal republican.

Q. Was the ballot-box in your sight all the time while at dinner?—A. Yes.

Redirect:

Q. Was there any correction made to the poll-lists at any other time than on the morning of election?—A. No.

JULIUS H. ACKERMANN.

Subscribed and sworn to before me March 4, 1875.

[SEAL.]

D. A. BROWN,
City Recorder City of Shakopee, and Notary
Public, Scott County, Minnesota.

Deposition of Richard Patterson.

RICHARD PATTERSON, being called as a witness on the part of the contestee, after being duly sworn, testified as follows, to wit:

Question. State if you are the town-clerk of the town of Camden, Carver County, Minnesota, and was such at the late general election held November 3, 1874.—Answer. I am, and was.

Q. Was you at the election all day?—A. I was.

H. Mis. 55—5

Q. Is Camden township an election-precinct by itself?—A. It is.
(Witness shown Schedule B.)

Q. Did you ever see that before?—A. Yes.

Q. When and where?—A. On the 3d of November, 1874, the day of general election.

Q. In whose handwriting are the names of the voters on that list?—A. In mine.

Q. Are you the person whose name appears on said list as having sworn the judges of election as town-clerk?—A. I am.

Q. State when that list was made.—A. On the 3d day of November, 1874.

Q. State if any other oath was administered to the judges of election on that day except the one on that paper.—A. No.

Q. Have you in your possession a list of voters of the town of Camden used on that day at the election?—A. I have.

Q. Is it a duplicate of this one?—A. It is.

Q. State the manner in which these lists were made.—A. As the person handed in his vote the judges called out his name, and the clerks then put down the name on the list.

Q. Have you any other lists used on that day?—A. I have the ballots and the register.

Q. What do you mean by the register?—A. I mean the list I made, under the direction of the supervisors, of all the legal voters of the town and posted up twenty-two days prior to election.

Q. Did the judges meet to correct that list that was posted?—A. Yes.

Q. When and where?—A. At 7 o'clock on the morning of election, where the polls were held.

Q. At any other time?—A. No.

Q. Where was the election held?—A. In the school-house in district 47, Carver County, town of Camden.

Q. Were the polls closed for dinner?—A. No, sir.

Cross-examined :

Q. Were those lists made before the election used by the judges at the election?—A. Yes, one of them.

Q. Are there any names on this list of persons who voted on that day that were not on the registry poll-list?—A. No.

Redirect :

Q. Who examined that registry-list when the vote was taken?—A. No one; sometimes they came in so fast we could not look over the registry-list to see if their names were there.

RICHARD PATTERSON.

Subscribed and sworn to before me March 4, 1875.

[SEAL.]

D. A. BROWN,
*City Recorder City of Shakopee, and Notary
Public Scott County, Minnesota.*

Deposition of Henry Gerdson.

HENRY GERDSEN, being called as a witness on the part of the contestant, testified, after being first duly sworn, as follows, to wit :

Question. Are you the town-clerk of the town of Laketown, Carver

County, Minnesota, and were you such at the last general election?—A. I am and was. Laketown is an election-precinct by itself.

(Witness shown Schedule E.)

Q. Did you ever see that poll-list before?—A. Yes.

Q. Where and when?—A. Before and on the day of the last general election; the names of the voters are in my handwriting.

Q. Were you present all day on the day of election?—A. Yes.

Q. In what official capacity did you act on that day?—A. As clerk of election.

Q. Are you the person who purports to have sworn the judges of election on that day on that list?—A. I am.

Q. Was there any other oath administered to the judges of election on that day but the one administered by you?—A. No.

Q. Where was the election held?—A. At the Wetzig school-house in the town of Laketown, Carver County, Minnesota.

Q. Were the polls closed for dinner?—A. No.

Q. Did the persons whose names appear as judges on that list act as judges of election?—A. Yes.

H. GERDSEN.

Subscribed and sworn to before me March 4, 1875.

[SEAL.]

D. A. BROWN,
*City Recorder of the City of Shakopee, and
Notary Public Scott County, Minnesota.*

Deposition of Gustave Krayenbuhl.

GUSTAVE KRAYENBUHL, being called as a witness on the part of the contestee, after being first duly sworn, testified as follows, to wit:

Question. State if you are deputy auditor of Carver County, Minnesota, and were during last year?—Answer. I am, and was.

Q. State if in that capacity you acted as one of, and in, the canvassing-board that canvassed the vote for member of Congress from this district at the last general election?—A. I was.

Q. State on what day and where that canvass was made.—A. On the 6th day of November, 1874, in the county auditor's office of Carver County.

Q. State from what the canvass was made.—A. From the returns from the several towns of Carver County, Minnesota.

(Schedules B, C, D, E, F, and G, shown to witness.)

Q. State if the returns for member of Congress from this district sent to the secretary of state were made from these returns for the towns mentioned in these schedules.—A. Yes.

Q. State if the returns made to the secretary of state for member of Congress corresponds with and is the same as to the number of votes each received, as these returns from the several towns indicate.

(Objected to by contestant as not the best evidence.)

A. Yes.

G. KRAYENBUHL.

Subscribed and sworn to before me March 4, 1875.

[SEAL.]

D. A. BROWN,
*City Recorder City of Shakopee, and
Notary Public Scott County, Minnesota.*

Deposition of William Benson.

WILLIAM BENSON being called as a witness on behalf of the conteste after being duly sworn, testified as follows, to wit :

Question. State if you were town clerk of the town of Carver, Carver County, Minnesota, and acting in that capacity at the last general election held November 3, 1874.—Answer. I was.

Q. Is Carver Township a separate election-precinct?—A. It is.

Q. State if you know whether there were registry poll-lists made, corrected and posted by the board of supervisors, prior to said election and used at the said election.—A. Yes; what I suppose to be a proper poll list.

(Witness shown Schedule F.)

Q. Did you ever see that paper before?—A. Yes, sir.

Q. State if, where your name appears on said paper, you signed it.—A. Yes, sir.

Q. State if you have on file in your office a registry poll-list used at said election.—A. I have a duplicate (so on file) of the paper here marked Schedule F.

Q. State if the persons whose names appear on this paper as judges of election acted as such judges of election at said election.—A. Yes, sir.

Q. State if you have any other registry poll-list used at said election in your office, except a duplicate of this Schedule F.—A. No, sir.

Q. State if there was any other oath taken by the judges of election except the one taken by you.—A. No.

Q. Did the judges of election close the polls, and adjourn for dinner?—A. No, they did not.

Q. State the manner in which the poll-lists were made, corrected and posted, and by whom, if you know.

(Objected to by contestant, as incompetent, irrelevant, and immaterial.)

A. Two of the board of supervisors met at my office at the proper time and made out a list of all of the legal voters, and posted three copies.

Q. Have you either of the copies posted?—A. I have not.

Q. Does the check-mark on the right of each name indicate that the person whose name is there voted?—A. It does.

W. BENSON.

Subscribed and sworn to before me March 4, 1875.

[SEAL.]

D. A. BROWN,
*City Recorder City of Shakopee, and
Notary Public Scott County, Minnesota.*

SCHEDULE B.

Poll-list for Camden Township, Carver County, State of Minnesota.

STATE OF MINNESOTA, Carver County, ss :

I, Jacob Truwe, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

JACOB TRUWE.

Sworn and subscribed before me this 3d day of November, 1874.

RICHARD PATTERSON,
Town Clerk.

STATE OF MINNESOTA, *Carrer County*, ss :

I, John Smith, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JOHN SMITH.

Sworn and subscribed before me this 3d day of November, 1874.

RICHARD PATTERSON,
Town Clerk.

STATE OF MINNESOTA, *Carrer County*, ss :

I, John Stander, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JOHN STANDER.

Sworn and subscribed before me this 3d day of November, 1874.

RICHARD PATTERSON,
Town Clerk.

STATE OF MINNESOTA, *Carrer County*, ss :

I, Richard Patterson, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

RICHARD PATTERSON.

Sworn and subscribed before me this 3d day of November, 1874.

JACOB TRUWE,
Judge of Election.

STATE OF MINNESOTA, *Carrer County*, ss :

I, William Patterson, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

JACOB TRUWE,
Judge of Election.

List of qualified electors in the election-district composed of the township of Camden, in the county of Carrer, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, A. D. 187-.

The whole number of the following-named persons who were present and voting at the above-named election, was ninety-five, (95.)

Certified by us:

JACOB TRUWE,
JOHN SMITH,
JOHN STANDER,
Judges of Election.

Attest:

RICHARD PATTERSON,
WILLIAM PATTERSON,
Clerks of Election.

Poll list.

1 Thomas Smith
 2 Peter Smith
 3 Samuel Truwe
 4 Gottlieb Barlow
 5 Abner Daily
 6 Ernest Schwartz
 7 Benedict Truwe
 8 Francis McFadden
 9 John Barley
 10 Andrew Frick
 11 Michael Radke
 12 John Smith
 13 George Ittel
 14 James Patterson
 15 Chs. McGuire
 16 Nicholas Emich
 17 Jerred Bennett
 18 Ruben Johnson
 19 Edward Bennett
 20 John Kuntz, sr
 21 Jacob Emech
 22 John Berry
 23 Christian Bandomer
 24 Andrew Minder
 25 Dorsh Wogt
 26 John Kuntz, jr
 27 Patrick McCormick
 28 Frederick M. Kuntz
 29 John Gungall
 30 Daniel Schuran
 31 John Minder, sr
 32 Christian Ments
 33 Ernest Trepmann
 34 August Hedtke
 35 Gootfried Filbrandt
 36 John Kray
 37 John Schwartz
 38 Martin Hedtke
 39 John Minder, jr
 40 Hermann Schœmaker
 41 Barney Doolen
 42 Peter Hagen
 43 Richard Powers
 44 Ferdinand Matchke
 45 Philip M. Dailey
 46 Philip Daily
 47 William Scrupp
 48 Joseph Paul

49 Charles Harthon
 50 Charles Halberg
 51 Richard Patterson
 52 Andrew Harthon
 53 August Finke
 54 Benj. Guttridge
 55 Aug't Hempky
 56 Nicholas Drittaback, sr
 57 Nicholas Drittabach, jr
 58 John Drittabach
 59 Christopher Ulmer
 60 Frederick Milke
 61 Daniel Milke
 62 John Klobe
 63 William Patterson
 64 Francis Kulberg
 65 Bernard Sweeney
 66 Fred. Milke
 67 John Stander
 68 John Zellman
 69 William Schnen
 70 Ferdinand Geise
 71 Joseph Baylor
 72 William Brandt
 73 Charles Bischatf
 74 William Schimp
 75 Robert Corlett
 76 Joseph Klobe
 77 Joseph Arby
 78 Charles Stauder
 79 William Kohler
 80 Peter Barth
 81 Michael Mulke
 82 Hermann Horterman
 83 Henry Horterman
 84 Jacob Ammaum, sr
 85 Jacob Ammaum, jr
 86 Frederick Westermann
 87 Frederick Palsfutt
 88 Diedrich Westermann
 89 Gottlieb Westermann
 90 Michael McFadden
 91 August Farber
 92 C. A. Woodruff
 93 John Truwe
 94 John Stander
 95 Jacob Truwe

STATE OF MINNESOTA,

County of Carver, ss:

I, Leonard Strenkens, auditor of the county of Carver, and State of Minnesota, do hereby certify that the foregoing is a true and correct copy of poll-list of town of Cauden, general election, November:

D. 1874; that the same has been compared with the original list on file in my office and found it to be a correct transcript thereof.

Witness my hand and official seal, at Chaska, in said county, this 15th day of April, A. D. 1875.

[SEAL.]

L. STRENKENS,
County Auditor.

Qualifications of electors, manner of conducting elections, &c.

SECTION 1. On the first Tuesday after the first Monday of November, in each year, an election shall be held in the several election districts of the State, which shall be known as the annual election. And the several State and county officers, judges of the supreme and district courts, members of the legislature and Representatives in the Congress of the United States, shall be elected at the annual election next preceding the expiration of the term of each of the said officers respectively; and on the year when a President and Vice-President of the United States are to be chosen, a number of electors of President and Vice-President of the United States, equal to the number of Senators and Representatives to which this State is entitled in the Congress of the United States, shall be elected at said election.

SEC. 2. Every organized township, and every ward of an incorporated city, is an election district. The township supervisors of each township are the judges of election, and the town clerk of each township shall act as one of the clerks of election in their respective election districts, and the judges shall appoint an additional clerk of election who shall be of an opposite party, if practicable, to the town clerk. The city council of each incorporated city shall appoint three qualified electors of each election district of said city who shall be the judges of election in their election districts respectively, and who shall appoint two qualified electors of their election district as clerks of election: *Provided*, That in the cities of Saint Paul and Rochester, the alderman in each ward shall be the judges of election in their respective election districts, and shall appoint two qualified electors of each ward respectively, who shall be the clerks of election. The election shall be held in each election district, at the place where the last preceding town meeting or ward election was held, but if a vote is taken to hold it elsewhere, the election shall be held at the place designated: *Provided*, The city council of any incorporated city may, by ordinance, incorporate any two adjoining wards into one election district, and appoint the place of holding the election in such district, and in any township having over five hundred electors the supervisors may divide the same into two election districts, and designate the boundaries thereof, and thereafter there shall be elected at the annual town meeting of such township three judges of election and two clerks of election in each district, and the place of holding election in each district shall be designated by said town meeting, or in default of such designation shall be appointed for each district by the judges of election thereof.

SEC. 3. The supervisors of the several townships, and the city council of the several cities, shall procure at the expense of the said townships and cities respectively, a ballot-box for each election district destitute of the same, which box shall be provided with a lock and key and have an opening through the lid, of sufficient size to admit of a single folded ballot, and no more; and the said box shall be kept by the town

clerk of each township, and by the city clerk of each city, for the use of the judges of election in the said election districts respectively.

SEC. 4. Each township and city clerk, fifteen days at least before the holding of any general election, and ten days at least before the holding of any special election, shall give public notice of the time and place of holding such election, by posting in three public places in each election district, three notices containing a list of the officers to be elected at such election, one of which notices shall be posted up at the place of holding the election; the said notices to be in substance as follows, to wit:

“Notice is hereby given, that on the ——— day of ———, 18—, at the ——— in the election district composed of the (township, ward, or town, as the case may be,) of ——— in the county of ———, an election will be opened at 9 o'clock in the morning, and will continue open until 5 o'clock in the afternoon of the same day.

Dated this ——— day of ———, 18—.

(Signed)

“A. B., (Township, City, or Town Clerk.)”

Provided, That no failure of any clerk to give notice as aforesaid shall in any way invalidate any election.

SEC. 5. The judges of election in each election district, at least fifteen days before any election, shall make a list of the names of all persons who are entitled to vote in their respective election districts at such election, which said list shall contain the surnames of such persons in alphabetical order. Three copies of said list shall, at least ten days before such election, be posted in three public places in each election district, together with a notice of the time and place when and where the said judges of election will be present for the purpose of making corrections in said list. The said judges of election, on each Wednesday next preceding such election, and if necessary for the next three days, from the hour of nine in the forenoon to four in the afternoon and for two hours next preceding the opening of the polls on the day of such election, shall be present at the place appointed for the holding of such election in their respective election districts, for the purpose of making corrections in said list. In making such corrections, the said judges of election shall insert upon said list the additional names of all persons properly shown to be entitled to a vote at such election, and erase from said list the names of all persons properly shown not to be entitled to vote at such election. The said judges, in first making out said list, shall consult the poll-lists used at the last preceding election in their respective election districts, and shall place on said list the names of all persons whom they know, or with reasonable diligence ascertain, to be entitled to vote at such election in their respective election districts. In making the final corrections of said list to ascertain who are entitled to vote at such election, the said judges shall be governed by the rules and regulations hereinafter for that purpose prescribed, and at such election no person shall vote whose name is not upon said list at the time of opening the polls, and the vote of no person shall be rejected whose name is upon said list at the time of opening the polls: *Provided*, If any person offers to vote at such election whose name is not upon said list, and who is by all the judges personally known to have the qualifications of an elector in said district and entitled to a vote at such election, but whose name has been accidentally omitted from the said list, then the name of such person shall be added to said list, and he shall be allowed to vote, but in all such cases an entry shall be made opposite the name of such person, of the fact that the

said name was inserted in said list after the opening of the polls. And the judges of election shall make, or cause to be made, a duplicate of said list, so that there shall be two register poll-lists at every election.

SEC. 6. If either of the judges of election of any election-district fails to attend at the time and place appointed for correcting said lists or holding any election, or if either of said judges is a candidate at such election, or refuses to act as judge, the qualified electors of the said election-district present shall choose *viva voce*, some qualified elector of said election-district to act as judge, instead of said judge so absent, disqualified, or refusing to act; and if any clerk of election is absent, disqualified, or refuses to act, the judges of election shall appoint some qualified elector in place of such clerk. And before any judge or clerk of election enters upon the performance of any of the duties imposed upon him by this chapter, he shall take and subscribe an oath in the following form, to wit: "I, A. B., (judge or clerk of the election, as the case may be,) do solemnly swear (or affirm) that I will perform the duties of (judge or clerk of election, as the case may be) according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting this election: so help me God," which said oath, so taken, subscribed, and certified, shall be affixed to the said list provided for in the last preceding section. If there is no person present authorized to administer oaths, then the judges of election may administer to each other and to the clerks the oath above provided.

SEC. 7. At all elections to be held under this chapter, the polls shall be opened at nine o'clock in the forenoon and remain open until five o'clock in the afternoon.

SEC. 8. At all elections to be held under this chapter, the judges and clerks of election shall receive, as a compensation for their services in such election, the sum of two dollars each per day, to be paid out of the treasury of the proper township, city, or town.

SEC. 9. The judges of election, or one of them, immediately before proclamation is made of the opening of the polls, shall open the ballot-boxes in the presence of the people there assembled and turn them upside down, so as to empty them of everything that is in them, and then lock them; and the key thereof shall be delivered to one of the judges, and said box shall not be reopened until for the purpose of counting the ballots therein at the close of the polls, and one of the judges shall forthwith proclaim that the polls are open.

SEC. 10. Every elector shall vote by ballot, and each person offering to vote shall deliver his ballot to one of the judges, in the presence of the board. The ballot shall be a paper ticket containing, written or printed, or partly written and partly printed, the names of the persons for whom the elector intends to vote, and designating the office to which each person so named is intended by him to be chosen; but no ballots shall contain a greater number of names of persons designated to any office than there are persons to be chosen at the election to fill such office, and the names of all persons voted for by an elector shall be on one ballot.

SEC. 11. The judge to whom any ballot is delivered shall, upon the receipt thereof, pronounce with an audible voice the name of the person from whom the ballot is so received, and if the name of the person is found upon the list of electors aforementioned, the said judge shall, without opening the said ballot, or permitting the same to be opened or examined, (except to ascertain whether it is a single ballot,) deposit the same in the ballot-box, and the clerks of the election shall thereupon distinctly check the name of the said person upon the said list.

fied under the official seal of the auditor, one of which shall be inclosed and directed to the secretary of state, and forwarded immediately to the seat of government by mail, and the other shall be delivered to a member of the legislature, to be by him conveyed to the secretary of state; and the auditor shall indorse on the envelope, on the outside of each duplicate, "Certificate of the votes for governor, lieutenant governor, secretary of state, treasurer of state, attorney-general," (and any other State officers, as the case may be,) and the name of the county in which said votes are given.

SEC. 20. Immediately after the organization of the house of representatives, the secretary of state shall deliver one of said copies to the speaker, who shall, within three days after each house is organized, cause the abstracts of the votes so received to be opened and canvassed before both houses of the legislature, in conformity with the provisions of the second section of article 5 of the constitution.

SEC. 21. The abstracts of the canvass of votes for probate judges, sheriffs, coroners, county auditors, county treasurers, registers of deeds, county surveyors, clerks of the district court, county attorneys, court commissioners, county commissioners, and all such other officers as now are or hereafter may be provided for in any of the counties or districts of the State, and of the votes upon any proposed change of county lines or county seat, shall be made on one sheet, and being certified and signed in the manner required in section nineteen aforesaid, shall be deposited in the said auditor's office, and a copy thereof, certified as aforesaid, immediately inclosed and forwarded to the secretary of state; and if any proposed change of county lines has been adopted, the governor shall forthwith make proclamation to that effect.

SEC. 22. The abstracts of the votes for members of Congress and electors of President and Vice-President of the United States shall be made on one sheet, and being certified and signed in the same manner as in case of abstracts of votes for county officers, shall be deposited in the said county auditor's office, and a copy thereof, certified as aforesaid, shall be inclosed, directed to the secretary of state, and indorsed on the outside of the envelope with these words: "Abstract of votes for (naming the officers) returned to the auditor's office of (inserting the name of the county) county," and the said auditor's signature; and the said auditor shall forward the same to the secretary of state, within eleven days after such election.

SEC. 23. Within twenty days after said election, the governor and secretary of state, in the presence of the auditor of state, the attorney-general, and one or more judges of the supreme court, shall open the returns made to the secretary of state for members of Congress and for electors of President and Vice-President of the United States; and shall forthwith proceed to ascertain the number of votes given to the different persons for said offices, and the persons having the highest number of votes shall be considered duly elected; but if it appears that more than the number of persons to be elected have the highest and an equal number of votes, the secretary of state, in the presence of the governor and officers aforesaid, shall decide by lot which of said persons shall be elected, and to each person duly elected the governor shall give a certificate of election signed by him, sealed with the great seal, and countersigned by the secretary of state, and shall transmit the said certificates to each person so elected, and cause the election of electors to be published in the newspapers printed at the seat of government, immediately after said canvass is completed.

SEC. 24. The electors chosen as aforesaid shall, at 12 o'clock on the

day which is or may be directed by the Congress of the United States, meet at the seat of government of this State, and then and there perform the duties enjoined upon them by the Constitution and laws of the United States.

SEC. 25. Each elector of President and Vice-President of the United States shall, before the hour of 12 o'clock on the day preceding the day fixed by the law of Congress to elect a President and Vice-President, give notice to the governor that he is at the seat of government, and ready at the proper time to perform the duties of an elector, and the governor shall forthwith deliver to the electors present a certificate of all the names of the electors, and if any elector named therein fails to appear before 9 o'clock in the morning of the day of election of President and Vice-President as aforesaid, the electors then present shall immediately proceed to elect by ballot, in the presence of the governor, persons to fill such vacancies.

SEC. 26. If more than the number of persons required to fill the vacancies as aforesaid have the highest and an equal number of votes, then the governor, in the presence of the electors attending, shall decide by lot which of said persons shall be elected; otherwise they, to the number required, having the greatest number of votes, shall be considered elected to fill such vacancies.

SEC. 27. Immediately after such choice is made, the names of the persons so chosen shall forthwith be certified to the governor by the electors making such choice, and the governor shall cause immediate notice to be given in writing to the electors chosen to fill such vacancies, and the said persons so chosen shall be electors, and shall meet the other electors at the same time and place, and then and there discharge all and singular the duties enjoined on them as electors aforesaid, by the Constitution and laws of the United States and of this State.

SEC. 28. Every elector attending at the seat of government, as aforesaid, shall receive three dollars for every day's attendance, and three dollars for every twenty miles travel in going to and returning from the seat of government, estimated from his place of residence by the most usual route, which sum shall be allowed by the auditor on the certificate of the governor, and paid by the treasurer out of any money in the treasury not otherwise appropriated.

SEC. 29. At the close of the canvassing, as provided in section nineteen, the board of canvassers shall declare the person having the highest number of votes for any county office duly elected, subject to an appeal to the district court of the proper county, provided that notice of such appeal shall be entered with the clerk of said court within twenty days from the day of election; and in case said county contains a senatorial or representative district, then the person having the highest number of votes for senator or representative shall be declared by said board duly elected.

SEC. 30. The county auditor shall make out for each county officer elected and also for each of the senators and representatives elected to the legislature, if such a county constitutes a senatorial district, a certificate of his election, and shall deliver the same to the person entitled thereto, upon demand, without fee; and he shall also make out for any candidate or elector of his county an abstract of votes as aforesaid, upon being paid one dollar therefor.

SEC. 31. The county auditor of each county which does not constitute a senatorial district, shall make out, from the returns of his office, an abstract of the votes for members of the senate and house of representatives, which he shall seal and direct to the county auditor of the senior

county in his senatorial district; if there are two or more counties in said district of the same age, then such returns shall be directed to the auditor of the county polling the greatest number of votes at the last preceding general election, except in the cases hereinafter provided; and said auditor shall indorse on the outside of the cover thereof the following words: "Abstract of votes for members of the senate and house of representatives of the county of ———," and sign his name thereto, and forward such abstract to the proper auditor within fifteen days after the day of election: *Provided*, That the returns and abstract of votes for members of the legislature of the third senatorial district shall be made to and canvassed by the auditor of the county of Stearns within thirty days after the day of election; and the returns and abstracts of votes for members of the legislature of the fourth senatorial district shall be made to and canvassed by the auditor of Anoka County within twenty days after the day of election; and the same rules shall be observed as to calling other officers to their assistance, and the manner of opening and canvassing the returns and awarding certificates of election, by said auditors last named, as are to be observed in other cases provided in the next section.

SEC. 32. When two or more counties are comprised in one senatorial district, the auditor of the senior county, or of the county wherein it is provided the returns are to be made, shall on the twenty-fifth day after the election, with the county auditors of such other counties of the district as choose to attend at his office, call to his assistance two justices of the peace and a probate judge, (provided such judge resides at the county-seat where the returns are made,) and shall then and there open the returns of the votes given in the several counties or portions of counties composing senatorial district; and said auditors shall immediately make out certificates of election for the persons having the highest number of votes in such senatorial district, for members of the legislature, which certificate shall be delivered to the person entitled to it, on his application to the county auditor of the county where the returns are made as aforesaid.

SEC. 34. Whenever there is no election of any State officer, or of the requisite number of members of the senate or house of representatives, by reason of any two or more persons having an equal and the highest number of votes, or whenever any vacancy occurs in any of the said offices, or of the office of Representative in Congress, which said vacancy is not otherwise provided for, the governor, within ten days after he is informed of the existence of such vacancy, shall issue a proclamation directing that a special election be held in the proper election-district, at a time to be specified in the proclamation, not more than thirty days from the date thereof, to fill such vacancy. And the clerks of election of said election-district shall call the said special election in the manner provided by law, and the same shall be held and conducted and the returns thereof made and canvassed in the same manner as general elections are held and conducted, and the returns thereof made and canvassed: *Provided*, If there is no session of the legislature or of Congress between the time of the happening of such vacancy and the next annual election occurring fifteen days or more thereafter, such vacancy shall be filled at said annual election.

SEC. 35. In elections to fill any vacancy in the preceding section, the auditor shall, within fifteen days after such election, transmit abstracts of the votes given, to the office of the secretary of state, and take his receipt therefor, under the penalty of five hundred dollars, to be recovered in a civil action in the name of the county; and the county treas-

urer for the time being shall sue for and recover the penalty aforesaid, for the use of the county.

SEC. 36. Whenever the auditor, from any cause, is prevented from opening the returns of votes at any election, it shall be the special duty of the probate judge of the county in which such election was held to attend immediately at the auditor's office with two justices of the peace of the proper county, by him selected, and proceed to open all the returns of elections for such county which have been made to the auditor's office, and perform the same duties that are required of the auditor in such cases, under the provisions of this chapter.

SEC. 37. If for any county office a number of persons greater than is directed to be elected to such office, receives an equal and the highest number of votes, the auditor and justices, or judge and justices aforesaid, shall determine, publicly, by lot, which of the persons shall be declared elected.

SEC. 38. There shall be allowed out of the county treasury of each county, to the person carrying the returns from the place of election to the auditor of the county, the sum of ten cents per mile for going to and returning from the office of the auditor; this provision to extend to the unorganized counties, and to be paid out of the treasury of the county to which they are attached.

SEC. 39. If a vacancy occurs in the senate or house of representatives, from any cause, and if the county comprising the district in which such vacancy exists has been divided after the election of the member whose seat is vacant, and before the election to supply the vacancy, such election shall be ordered in every county in which any part of the original county or district is situated; but no person shall be permitted to vote at any such election who does not at the time reside within the limits of the original county or district in which such vacancy occurred.

SEC. 40. No election-returns shall be refused by any auditor for the reason that the same are returned or delivered to him in any other than the manner directed herein; nor shall the canvassing board of the county refuse to include any returns in their estimate of votes for any informality in holding any election or making returns thereof, but all returns shall be received and the votes canvassed by such canvassing board and included in the abstracts, provided there is a substantial compliance with the provisions of this chapter.

SEC. 41. If any judge or clerk of election, or any other officer or person required by this chapter to perform any act or thing whatsoever, wilfully fails or refuses to perform such act or thing, or wilfully performs such act or thing falsely, or improperly in any manner, he shall be guilty of a felony, and on conviction thereof, shall be punished by imprisonment in the State-prison for a term not less than six months nor more than one year, or by fine not less than five hundred dollars nor more than one thousand.

SEC. 42. The regular term of office of county officers commences on the first day of January next succeeding their election, except as otherwise provided by law.

SEC. 43. Any State, county, or district officer elected or appointed to fill a vacancy, shall qualify and enter upon the duties of his office immediately thereafter; and when elected, hold the same during the unexpired term for which he was elected, and until his successor is elected and qualified; but if appointed he shall hold his office until the next general election, and until his successor is elected and qualified.

SEC. 44. During the day on which any general, special, town or charter election is held, no civil process shall be served upon any elector entitled to vote at such election.

SEC. 45. In all elections, unless it is otherwise expressly provided, the person having the highest number of votes for any office shall be deemed and declared to be elected.

SEC. 46. Any candidate or elector of the proper county, or senatorial, judicial, or election district, desiring to contest the validity of an election, or the right of any person declared duly elected to his seat in the senate or house of representatives, in this State, shall give notice thereof, in writing, to the person whose election he intends to contest, or leave a written notice thereof at the house where such person last resided, within twenty days after the votes have been canvassed, specifying the points on which the election will be contested and the names of two justices of the peace who will officiate at the taking of the deposition, and when and where they will attend to take the same; and such notice shall be served at least ten days before the day pointed out therein for the taking of the depositions. But the time fixed for taking such depositions shall not exceed forty-five days from the day of election.

SEC. 47. The said justices, or either of them, shall issue subpoenas to all persons whose testimony is required by either of the parties; and the said two justices when met shall take, under oath, all testimony relative to such contested election, and certify the same under seal, to the presiding officer of that branch of the legislature where the person whose seat is contested is returned to serve at its next session.

SEC. 48. If a party whose election is contested desires to offer testimony upon points not specified in the notice of the contestant, he shall, within five days after the contestant's notice is served upon him as aforesaid, serve upon said contestant in the manner provided in section forty-six, a notice specifying such additional points and the place and time (which shall not be more than ten days from said service) at which testimony thereon will be taken before the justices named by the contestant. No testimony shall be received by the justices which does not relate to some point specified in said notices, a copy of which notices shall be delivered to the said justices, and by them transmitted to the presiding officer of that branch of the legislature where the contest is to be decided, with the other documents.

SEC. 49. Any candidate or elector of the proper county may contest the election of any person declared elected to any county office, and he shall proceed therein in the manner prescribed for contesting the election of senators and representatives to the legislature, save only that the testimony taken as aforesaid, and all matters relative to such contest, shall be sent to the district court of the proper county on or before the second day of the term next ensuing the forty-five days allowed for taking depositions by the preceding sections, and the judge of the said court, in case no general term of said court occurs within ninety days after the votes are canvassed, shall appoint a special term of said court, and the said district court, at the first general or special term after the expiration of forty-five days, shall hear and determine the contest. When the judgment or decision of the said district court is removed to the supreme court, the party removing any such judgment or decision shall file in the district court a bond to the opposite party in such sum, not less than five hundred dollars, and with such sureties as are approved by the judge who tries the cause, conditional for the payment of all costs incurred by the respondent in case the appellant fails in his appeal.

SEC. 50. On the trial of any contested election for any of the offices in the forty-sixth section of this chapter named, the parties to such contest may introduce either written or oral testimony, but no deposition

shall be read on such trial unless the opposite party had reasonable notice of the time and place of taking the same.

SEC. 51. In conducting any contested election in the house of representatives, the following rules shall be observed :

First. On the day and at the hour appointed for that purpose, the house, with the proper officers, shall assemble at their usual place of meeting.

Second. The speaker of the house of representatives shall preside, but when he is contestant, a speaker *pro tem.* shall be elected.

Third. The parties to the contest shall then be called by the clerk, and if they answer, their appearance shall be recorded.

Fourth. The contestant shall first introduce his testimony, and after the testimony is closed on both sides, the contestant may, by himself or his counsel, open the contest, and the officer elect may then proceed, by himself or counsel, to make his defense, and the contestant be heard in reply.

Fifth. After the arguments of the parties are concluded, any member of the house may offer his reasons for the vote he intends to give.

Sixth. The clerk shall keep a regular journal of the proceedings.

Seventh. In deciding the contest, the members shall vote *viva voce*, and a majority of all the votes given shall decide, but no party shall vote either upon the final decision or upon any preliminary question that has reference thereto. If the contest is in the senate, it shall proceed as nearly as may be according to the rules above prescribed.

SEC. 52. In any county in which there is a vote for the removing of the county seat, or changing the county lines of said county, or upon any other subject which may by law be submitted to the vote of the people of said county, any elector thereof may contest the validity of such election, as to the right of the point declared selected as the county seat, or as to any county line declared established by said vote, or as to the result of any vote upon any other subject submitted as aforesaid. Such elector shall give notice in writing of such contest, to the county commissioners, or a majority of them, of the county in which said vote was taken, by serving a copy of said notice personally upon said commissioners, or leaving a copy thereof at their place of residence within thirty days after the result of said vote is declared or proclaimed; said notice shall specify the points on which such election will be contested, and a copy thereof shall be filed with the clerk of the district court of the proper county within ten days after the service thereof upon the county commissioners as aforesaid; and the district court at its first general or special term shall hear and determine such contest upon the oral and written proofs of the parties, and depositions may be taken by any of the parties to these proceedings in the same manner as in civil actions. Such commissioners, or upon their failure, any elector of the proper county, may appear and defend in such contest, and introduce evidence as in other actions.

SEC. 53. The secretary of state shall provide uniform blanks for lists of electors, and for election-returns, for the use of the several election-districts, also a copy of the law prescribing the qualifications of electors, and so much of this law as relates to the duty of judges and clerks of election, the manner of conducting elections, and the penalties imposed for offenses under this chapter, and transmit the same to the auditor of each county at least thirty days before any election, and the auditor, at least ten days before any election, shall deliver to the clerk of each town and city in his county in person, or transmit to him by mail, one copy of

each of said blanks and one copy of the said laws for each election-district in his county.

SEC. 54. Every auditor, probate judge, and justice of the peace shall receive, for services performed under this chapter, the following fees, to wit: For making out abstracts, for every hundred words, ten cents; for each certificate with seal attached to abstracts, fifty cents; which fees shall be allowed by the county auditor on the certificate of the auditor or judge as the case may be, and paid by the county treasurer.

SEC. 55. The judges of election in determining the residence of any person for the purpose of ascertaining who are qualified electors, shall be governed by the following rules, so far as they are applicable:

First. That place shall be considered and held to be the residence of a person in which his habitation is fixed, without any present intention of removing therefrom, and to which whenever he is absent he has the intention of returning.

Second. A person shall not be considered to have lost his residence who leaves his home to go into another State, or county in this State, for temporary purposes merely, with the intention of returning.

Third. A person shall not be considered to have gained a residence in any county into which he comes for temporary purposes merely, without the intention of making such county his home.

Fourth. If a person removes to another State with the intention of making it his residence, he loses his residence in this State.

Fifth. If a person removes to another State with the intention of remaining there for an indefinite time, and as a place of present residence, he loses his residence in this State, notwithstanding he entertains an intention of returning at some future period.

Sixth. The place where a man's family resides shall be held to be his residence; but, if it is a place of temporary establishment for his family, or for transient objects, it shall be otherwise.

Seventh. If a man has a family fixed in one place, and he does business in another, the former shall be considered his place of residence; but any man having a family and who has taken up his abode with the intention of remaining, and whose family refuses to reside with him, shall be regarded as a citizen and a voter where he has so taken up his abode.

Eighth. The mere intention to acquire a new residence, without the fact of removal, shall avail nothing; neither shall the fact of removal without the intention.

SEC. 56. No elector shall vote except in the election-district in which he actually resides.

SEC. 57. Whoever willfully votes in any election-district in which he does not actually reside, shall be guilty of a misdemeanor, and on conviction thereof, be imprisoned in the county jail not less than one month nor more than six months.

SEC. 58. Whoever votes more than once at the same election is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison not less than six months nor more than one year.

SEC. 59. Any resident of another State who votes in this State is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison not less than six months nor more than one year.

SEC. 60. Whoever, not being a qualified elector, votes at any election with an unlawful intent, is guilty of a felony, and on conviction thereof

shall be punished by imprisonment in the state prison not less than one month nor more than one year.

SEC. 61. Whoever procures, aids, assists, counsels, or advises another to vote, knowing that such person is not duly qualified to vote at the place where and the time when the vote is to be given, is guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars nor less than one hundred dollars, and be imprisoned in the county jail not less than one month nor more than six months.

SEC. 62. Whoever procures, aids, assists, counsels, or advises another to go or come into any county or election-district for the purpose of illegally giving his vote in such county, knowing that the person is not duly qualified to vote therein, is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison not less than six months nor more than one year.

SEC. 63. Whoever by threat or bribery attempts to influence any elector in giving his vote or ballot, or by such means attempts to deter him from giving his vote or ballot, is guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars nor less than one hundred dollars, and by imprisonment in the county jail not less than one month nor more than six months.

SEC. 64. Whoever furnishes an elector, who cannot read the language in which such ticket is printed or written, with a ticket, informing him that it contains a name or names different from those which are written or printed thereon, with an intent to deceive and induce him to vote contrary to his inclination, or who fraudulently or deceitfully changes a ballot of any elector, by which such elector is prevented from voting for such candidate or candidates as he intended, is guilty of a felony, and on conviction thereof shall be punished by imprisonment in the state prison not less than six months nor more than one year.

SEC. 65. If any person offering his name to be put on the list of electors, is challenged as unqualified by one of the judges of election, or by an elector, one of the judges shall tender to him the following oath: "You do swear" (or affirm, as the case may be,) "that you will fully and truly answer all such questions as shall be put to you touching your place of residence and qualifications as an elector at this election."

First. If the person is challenged as unqualified, on the ground that he is not a citizen, and has not declared his intention to become such, the judges, or one of them, shall put the following questions:

1st. Are you a citizen of the United States?

2d. Are you a native or naturalized citizen?

3d. Have you declared your intention to become a citizen of the United States, conformably to the laws of the United States upon the subject of naturalization?

If the person so offering his name claims to be a naturalized citizen of the United States, he shall, before his name is inserted on the list, produce for the inspection of the judges of election a certificate of his naturalization, and also state, under oath, that he is the identical person named therein. But the production of such certificate shall be dispensed with if the person so offering his name state, under oath, when and where he was naturalized, that he has had a certificate of his naturalization and that the same is lost, destroyed, or beyond his power to produce to the judges of election: *Provided*, That if he states under oath that by reason of the naturalization of his parents, or one of them, or that being born of American parents in foreign parts, he has become or is a citizen of the United States, and also states when and where his

parent or parents were naturalized, the certificate of said naturalization need not be produced.

Second. If the person is challenged as unqualified on the ground that he has not resided in the State for four months immediately preceding the election, the judges, or one of them, shall put the following questions:

1st. Have you resided in this State for four months immediately preceding this election?

2d. Have you been absent from this State within the four months immediately preceding this election? If yes, then,

3d. When you left did you leave for a temporary purpose, with the design of returning, or for the purpose of remaining away?

4th. Did you, while absent, regard this State as your home?

5th. Did you, while absent, vote in any other State?

Third. If the person is challenged as unqualified, on the ground that he is not a resident of the election-district where he so offers his name, the judges, or one of them, shall put the following questions:

1st. When did you last come into this election-district?

2d. When you came into this district, did you come for a temporary purpose merely, or for the purpose of making it your home?

3d. Did you come into this district for the purpose of voting here?

4th. Are you an actual resident of this district?

Fourth. If the person is challenged on the ground that he is not twenty-one years of age, the judges, or one of them, shall put the following question:

Are you twenty-one years of age to the best of your knowledge and belief?

The judges of election, or one of them, shall put such other questions to the person challenged under the respective heads aforesaid as may be necessary to test his qualifications as an elector at that election.

SEC. 66. If the person challenged as aforesaid refuses to answer fully any question which is put to him as aforesaid, the judges shall refuse to insert his name on the poll-list, and he shall not be allowed to vote.

SEC. 67. If the challenge is not withdrawn after the person so offering his name has answered the questions put to him as aforesaid, one of the judges of election shall tender him the following oath:

"You do swear" (or affirm, as the case may be) "that you are a citizen of the United States, of the age of twenty-one years, or have declared your intention to become such citizen conformably to the laws of the United States on the subject of naturalization; that you have been an inhabitant of this State for four months immediately preceding this election, and an actual resident of this election-district for the ten days immediately preceding this election."

SEC. 68. If any person refuses to take the oath so tendered, his name shall not be inserted on the poll-list, and he shall not be allowed to vote.

SEC. 69. Each judge of election shall challenge every person offering to have his name inserted on the poll-list, or to vote at any election, whom he knows or suspects not to be duly qualified as an elector.

SEC. 70. Whoever, after proclamation made of the opening of the polls and at any time before the vote is fully canvassed, fraudulently puts a ballot or ticket into the box, is guilty of a felony, and, on conviction thereof, shall be punished by imprisonment in the state prison, not less than six months nor more than one year.

SEC. 71. If any person challenged as unqualified to vote is guilty of willful and corrupt false swearing or affirming in taking any oath pre-

scribed by this chapter, he shall be deemed to have committed willful and corrupt perjury, and, upon conviction thereof, shall suffer the punishment attached by the laws of this State to the crime of perjury.

SEC. 72. All fines incurred under this chapter shall be paid into the county treasury of the county where the offense was committed, for the use of the common schools of such county.

SEC. 73. The provisions of this chapter apply to all elections hereafter to be held for all or any State, district, county, town, city, or township officers; and for electors of President and Vice-President of the United States, and to any vote hereafter to be taken on amendments to the constitution, laws, changing county-lines, removing county-seats, or on any subject which may by law be submitted to a vote of the people: *Provided*, That the registration of the names of the electors previously to the time of voting at the town-meeting of any organized township, shall not be required; but the said town-meeting and the manner of conducting the same shall be as provided in the general act for the organization of towns.

• **SCHEDULE C.—Poll-list for Young America Township, Carver County, State of Minnesota.**

List of qualified electors in the election-district composed of the township of Young America, in the county of Carver, State of Minnesota, for an election to be held in said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election, was one hundred and eighty-nine, (189.)

Certified by us:

IGNATZ VOGLER,
F. STOCKMANN,
F. WALTER,
Judges of Election.

Attest:

JULIUS H. ACKERMANN,
W. C. BREDENHAGEN,
Clerks of Election.

Poll-list.

1 Charles Bachmann
2 Charles Menzel
3 John Roth
4 Henry Pinchen
5 John Hendrick
6 John Schule
7 John Graupmann
8 Frantz Rothers
9 Otto Meissner
10 R. Smiles
11 George Shall
12 Julius Schaler
13 W. C. Bredenhagen
14 Ignatz Vogler
15 Frederick Spiess

16 August Muschke
17 Fritz Drew
18 Ferdinand Wiese
19 Frederick Stockmann
20 John Giese
21 J. M. Norris
22 James Slocum
23 Henry Engeler
24 Henry Klanke
25 Julius Martin
26 Henry Schlechting
27 Andreas Spiess
28 John Shenkens
29 Nathaniel Cole
30 Silas Cole

31 Carl Thun
 32 Frederick Sher
 33 Henry Fabel
 34 Christ Templin
 35 William Ackermann
 36 Wm. Murphy
 37 Wm. Leistico
 38 Charles Hermann
 39 Martin Jans
 40 Fritz Schule
 41 Adam Maschke
 42 Thomas Carline
 43 Edward Carline
 44 Henry Roth
 45 Gustav Kosack
 46 Mathias Vonderloch
 47 Henry Klanke
 48 Frederick Lindert
 49 Michael Daniels
 50 Geo. W. Smith
 51 R. E. Patterson
 52 Henry Wittenberg
 53 August Schnape
 54 Willm. Mielke
 55 Henry Stockman
 56 A. W. Tiffaney
 57 Christian Leohring
 58 Christoph Tunke
 59 Christopher Heun
 60 Joseph Platter
 61 Henry Dietrich
 62 Theodore Frey
 63 Gustav Dittmer
 64 Geo. Kronschnabel
 65 Gottlieb Trick
 66 John Cameron
 67 Wilhelm Gehlen
 68 Louis Eikel
 69 John Malls
 70 Anathias Malls
 71 George Cole
 72 Joseph Ferguson
 73 Frederick Rausch
 74 Jacob Miller
 75 William Carline
 76 Deidrich Weinmann
 77 Christian Gebhard
 78 Gerhard Hühnmann
 79 Bruno Meuzel
 80 Hermann Hühnemann
 81 Henry D. Ammon
 82 Henry Eggers
 83 Henry Velfke
 84 George Tiick
 85 Henry Dreier, jr
 86 Hermann Bergmann

87 Mathias Schoffelen
 88 Frederick Klemke
 89 Joseph Schadeg
 90 John Templin
 91 Henry Vogler
 92 Frederick Vogler
 93 E. L. Booth
 94 Solomon Thomas
 95 Henry Ewing.
 96 Christ Dittmar
 97 Henry Schule
 98 Ant. Henry Velfke
 99 Christ Ackermann
 100 John Henry Harms
 101 John Frütel
 102 Gottlieb Pieper
 103 Frederick Walter
 104 Carl Lorentz
 105 Carter Harms
 106 Ferdinand Lauge
 107 John F. Miller
 108 Henry Thomas
 109 Frederick Klanke
 110 Herm. Hörnmann
 111 Bernhard Walter
 112 John Bentz
 113 Mathias Klein
 114 Joseph Schmick
 115 Fredk. Ohland
 116 Henry Teborg
 117 Peter Harms
 118 Meinhard Koppish
 119 John Murphy
 120 Michael Haag
 121 Dietrich Klanke
 122 Y. Y. Sandynis
 123 Peter Hoermson
 124 Frantz Richter, sr.
 125 Frantz Richter, jr.
 126 Michael Carline
 127 Christ Barney
 128 David Parks
 129 Wm. Walde
 130 Thomas Ellsworth
 131 John Heap
 132 Henry Dreier, sr.
 133 Hermann Maak
 134 Ebenezer Bray
 135 Patrick Knell
 136 John Hogan
 137 James Reese
 138 Frank Sullivan
 139 George Mix
 140 Allen Miller
 141 Jacob Banetz
 142 Coleman Reese

143 Stephen Pool
 144 Andreas Roth
 145 James P. Crott
 146 John Miller
 147 Henry Berbix
 148 John Feldmann
 149 Emil Lahky
 150 Gottrecht Latsky
 151 Dan McGiles
 152 Louis Bannetz
 153 Frederick Man
 154 Charles Etzell
 155 Henry Schule, jr.
 156 Charles Laempske
 157 Oscar Prehn.
 158 William French
 159 Henry Wroege
 160 Fritz Eggers
 161 Gerhard Walter
 162 Gerhard Falk
 163 Hermann Zillmar
 164 August Hartell
 165 John Curran
 166 Joseph Weiser

167 William Reese
 168 Henry Brelje
 169 Julius H. Ackermann
 170 Henry Lindert
 171 William Lindert
 172 Andrew Kattenstatter
 173 Peter Effertz
 174 Alvertro Brown
 175 Frederick Lindert, jr
 176 Matthias Noll
 177 Albert Leistico
 178 Peter Butterfass
 179 Fritz Hoefken
 180 Moses Parks
 181 Bd. Kuhlmann
 182 Joseph Dartell
 183 John Walter
 184 Henry Grimm
 185 D. Kuhlmann
 186 Theodor Stern
 187 Joseph Weiser, jr
 188 Lazarus Parks
 189 John Eversville

STATE OF MINNESOTA, *County of Carver, ss :*

I, Leonard Streukins, auditor of the county of Carver, and State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the poll-list of the town of Young America, general election, November 3, A. D. 1874; that the same has been compared with the original on file in my office and found to be a true transcript thereof.

Witness my hand and official seal at Chaska, in said county, this 15th day of April, A. D. 1875.

[SEAL.]

L. STREUKENS,
County Auditor.

STATE OF MINNESOTA, *Carver County, ss :*

I, Ignatz Vogler, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

IGNATZ VOGLER.

Sworn and subscribed before me this 3d day of November, 1874.

JULIUS H. ACKERMANN,
Notary Public.

STATE OF MINNESOTA, *Carver County, ss :*

I, Frederick Walter, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

FREDERICK WALTER.

Sworn and subscribed before me this 3d day of November, 1874.

JULIUS H. ACKERMANN,
Notary Public.

STATE OF MINNESOTA, *Carver County, ss:*

I, Frederick Stockmann, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

F. STOCKMANN.

Sworn and subscribed before me this 3d day of November, 1874.

JULIUS H. ACKERMANN,
Notary Public.

STATE OF MINNESOTA, *Carver County, ss:*

I, Julius H. Ackermann, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

JULIUS H. ACKERMANN.

Sworn and subscribed before me this 3d day of November, 1874.

IGNATZ VOGLER,
Judge of Election.

STATE OF MINNESOTA, *Carver County, ss:*

I, W. C. Bredenhagen, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

W. C. BREDENHAGEN.

Sworn and subscribed before me this 3d day of November, 1874.

JULIUS H. ACKERMANN,
Notary Public.

SCHEDULE D.—*Poll-list for Chanhassen Township, Carver County, State of Minnesota.*

STATE OF MINNESOTA, ——— *County:*

I, Abel Wood, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

ABEL WOOD.

Sworn and subscribed before me this 3d day of November, 1874.

HENRY ASPDEN,
Justice of Peace.

STATE OF MINNESOTA, ——— *County, ss:*

I, Henry Kraus, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

HENRY KRAUS.

Sworn and subscribed before me this 3d day of November, 1874.

HENRY ASPDEN,
Justice of Peace.

STATE OF MINNESOTA, ——— County, ss :

I, Leonard Van Slaun, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

L. VAN SLAUN.

Sworn and subscribed before me this 3d day of November, 1874.

HENRY ASPDEN,
Justice of Peace.

STATE OF MINNESOTA, ——— County, ss :

I, Henry Aspden, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

HENRY ASPDEN.

Sworn and subscribed before me this 3d day of November, 1874.

E. B. HARRISON,
Chairman of Supervisors.

STATE OF MINNESOTA, ——— County, ss :

I, James Maxwell, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

JAMES MAXWELL.

Sworn and subscribed before me this 3d day of November, 1874.

HENRY ASPDEN,
Justice of Peace.

List of qualified electors in the election-district composed of the township of Chanhassen, in the county of Carver, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election, was one hundred and forty-seven, (147.)

Certified by us :

ABEL WOOD,
HENRY KRAUS,
L. VAN SLAUN,
Judges of Election.

Attest :

HENRY ASPDEN,
JAMES MAXWELL,
Clerks of Election.

Poll-list.

1 Aspden, Henry	x	6 Abbott, H. A	x
2 Aspden, James	x	7 Aruzen, Rudolph	x
3 Aspden, John T	x	8 Abraham, John	x
4 Aldritt, Edwin	x	Bolan, Michael	x
5 Aldritt, Samuel	x	Bahr, Ernest	x

9	Bruns, John		63	Fessler, Joseph	
10	Bongard, William	x	64	Frauk, Stephen	
11	Bender, Christian		65	Flood, Michael	x
12	Bender, John	x	66	Fartz, John	
13	Bohlig, Frederick	x	67	Fink, Christian	x
14	Bohlig, Casper	x	68	Geirer, John	x
15	Bohlig, Michael		69	Geirer, S. J	x
16	Bardwell, Ethan S		70	Glatzel, William	x
17	Bennett, Isaac		71	Gramch, Henry	x
18	Bennett, Willis		72	Geans, Augustus	
19	Bennett, Melvin		73	Geisler, William	
20	Bieren, Nicholas	x	74	Gardinier, Jacob	x
21	Bieren, Jacob		75	Held, Martin	x
22	Becman, E. P		76	Held, Anthony	x
23	Brum, John		77	Huhn, Arnold	x
24	Brum, Peter		78	Hellriegel, William	
25	Burchmeier, Casper		79	Hellriegel, John	
26	Bullens, Ferdinand		80	Hink, George	
27	Bender, Charles		81	Hartmann, Sebastain	
28	Bachoff, Charles		82	Hall, Michael	x
29	Browntworth, Michael	x	83	Hutmackers, Lambert	x
30	Brum, William		84	Hutmackers, Leonard	x
31	Brum, John, jr		85	Harrison, E. B	x
32	Carter, G. L		86	Herring, Jacob	x
33	Casper, William		87	Hess, Adolph	
	Bachoff, John	x	88	Harden, Charles	
34	Crigler, Louis		89	Hellriegel, Richard	x
35	Clatens, Clemens		90	Jeurison, Jacob	x
36	Casper, Peter		91	Jeurison, Leonard	x
37	Cale, J. T		92	Jasper, John	x
	Deppee, Charles	x	93	Jasper, Frank	x
38	Dragh, Henry		94	Kerbei, Frank	x
39	Donny, Peter			Klein, Nich	x
40	Drucker, Charles	x		Kaiser, Peter	x
41	Drucker, Peter	x	94	Klass, John	
42	Dosch, Leonard	x	95	Kervis, Theodore	x
43	Dreipen, Thomas			Kervis, John	x
44	Dircks, Peter		96	Krause, Henry	x
45	Delano, Henry		97	Kraus, Henry	x
46	Dreipen, Servius	x	98	Klaas, Henry	
47	Dunklee, John		99	Kerber, Peter	x
48	Ess, John	x	100	Kessler, Michael	x
49	Eitel, George		101	Krouchnabel, Geo	
50	Eitel, Albert	x	102	Kelm, Fredk	
51	Engler, Michael	x	103	Kesen, Joseph	
52	Fartz, Peter		104	Kibby, Warren	x
53	Fartz, Jacob	x	105	Kreutzian, Christian	x
54	Faber, Nicholas		106	Klingelholtz, Hermann	
55	Fuller, William N	x	107	Klingelholtz, Thomas	
56	Felton, John	x	108	Klien, John W	
57	Fink, Jasper		109	Kram, Gustave	x
58	Friberg, Louis, sr		110	Kram, Theodore	
59	Friberg, Louis, jr		111	Kochs, Henry	x
60	Fessler, Martin	x		Kurver, Leonard	x
61	Fessler, Frank		112	Kreving, Ferdiuand	
62	Fouch, Erastus		113	Kraus, George	

114 Kraus, Fredk x	162 Rusen, Mathias x
115 Krenthiam, James x	163 Rheimer, Fred x
Kolh, John x	164 Ramacker Henry x
Keeber, Leopold x	165 Rossen, Frank x
115 Liebens, J. M	166 Rorbach, Nicholas x
116 Leach, A. D	167 Rossbach, John x
117 Luth, Fredk	168 Rachel, Nicholas x
118 Lano, Peter	169 Rachel, Martin x
119 Lano, Theodore, 1st. x	170 Rachel, Alexander
120 Lano, Theodore, 2d. x	171 Rheimer, Jacob x
121 Lyman, H. M.	172 Rosen, Peter, jr. x
122 Linenfelter, Mathias x	173 Rippel, Conrad x
123 Leddy, Michael	174 Roth, John
124 Letner, Peter	175 Rors, Nicholas
125 Leuty, Henry	176 Rosen, Peter, senr.
126 Luthyens, Henry	Scherke, Frank x
127 Liebens Peter	Schleig, John x
128 Langens, Peter	177 Schutrop, Peter
Logan, Michael x	178 Schutrop, William x
Loargtin, Joseph x	179 Schutrop, Nicholas
Mulvan, Frederick x	180 Salden, John
129 Maynaud, Morton M	181 Salden, Herbert
130 Murray, John x	182 Simmons, John
131 Meisenberg, Peter x	183 Simmons, Anthony x
132 Melchior, Joseph x	184 Swiellens, John x
133 Maxwell, James x	185 Stone, Eli x
134 Midgely, Charles	186 Siems, John x
135 Midgely, ———	187 Sarver, William x
136 Morris, Rudolph	188 Slater, George
137 Miller, Philip x	189 Schwie, William x
138 Mass, John	190 Smith, Fred x
139 Mulkens, P. W	191 Spearman, John
140 Maurer, Rudolph	192 Schneider, Eugelbert, x
141 Miller, John	193 Schneider, John M.
142 Noterman, Theodore x	194 Schneider, Joseph x
143 Noterman, Arnold x	195 Sanders, Peter
144 Noterman, Rheimer x	196 Schuler, Michael x
145 Nysen, William x	197 Schuler, Dominic x
146 Neugtsen, Peter	198 Saverkool, Michael x
147 Neutgens, Michael	199 Saverkool, Joseph x
148 O'Brien, John x	200 Schuler, Charles
149 Pass, Peter x	201 Schuler, John
150 Pass, Louis x	Stange, Hermann x
151 Pierce, Carlisle	Smithwick, Richard x
152 Pierce, Elhanan	202 Teich, Henry x
153 Pauley, Nicholas	203 Teich, Rudolph x
154 Powers, Geo. M	204 Tessmann, Ferdinand x
155 Peters, Dennis x	205 Tessmann, Albert
156 Pauley, Henry	206 Trumble, Joel
157 Priebe, Leopold x	207 Tschumperle, Frank x
158 Priebe, Hermann x	108 Tschumperle, August
Priebe, ———	209 Tschumperle, Christian x
158 Rheimer, John	210 Thompson, James
159 Rossen, Martin x	Timmers, Louis x
160 Ramacker, John 1st.	Utrecht, L. x
161 Ramacker, John 2d.	Van Houn, Peter senr. x

211 Van Houn, John		226 Wey, John	x
212 Van Houn, Leonard	x	227 Wey, Hubert	x
213 Van Houn, Peter	x	228 Wartmann, Jacob	x
214 Van Houn, Peter		229 Waldvogel, Chs.	x
215 Van Houn, Leonard		230 Welter, Michael	x
216 Vogel, Joseph	x	231 Weller, Michael	x
217 Vogel, August	x	232 Weller, Peter	x
218 Vogel, Frank		233 Werner, John	
219 Vogel, Xaver	x	234 Williams, Peter	x
220 Vregens, P. A. N.		235 Willmann, Joseph	x
Verkenuis, Curper P.	x	236 Wiens, John	
Worm, Theodore	x	237 Worm, John, seur.	x
221 Winton, Charles		238 Worm, John, jr.	
222 Werner, Simon		239 Worm, Theodore	
223 Wood, Abel	x	240 Walter, Oscar	
224 Wood, John	x	241 Ziemmer, Nicholas	x
225 Wentz, John		242 Ziemmer, John	

STATE OF MINNESOTA, *County of Carver, ss :*

I, Leonard Strenkens, auditor of the county of Carver, and State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the poll-list of the town of Chanhassen, general election, November 3, A. D. 1874 ; that the same has been compared with the original list on file in my office and found it to be a correct transcript thereof.

Witness my hand and official seal at Chaska, in said county this 15th day of April, A. D. 1875.

[SEAL.]

L. STRENKENS,
County Auditor.

SCHEDULE C.—*Poll-list for Laketown Township, Carver County, State of Minnesota.*

List of qualified electors in the election-district composed of the township of Laketown, in the county of Carver, State of Minnesota, for an election to be held in the said election-district on the third day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was one hundred and twenty-three, (123.)

Certified by us :

HENRY STAKEN,
HENRY E. WOLFF,
VALENTIN HARTMANN,
Judges of Election.

Attest :

HENRY GERDSEN,
LEONARD DIRCKS,
Clerks of Election.

Allers, Gotfried
Anderson, P. D.
Allman, Sebastian
Breher, Leonhard
Bierlein, Paul

Baumgartner, Mathias
Broberg, John J. S.
Brandenburg, Fred.
Bohrer, Joseph
Beise, Edward

Breshorst, George
 Bachman, Charley
 Buelow, Julius
 Bardie, William
 Bongarths, John
 Diethelm, Carl
 Dohmeny, Martin
 Dirks, Leonard
 Deis, Nic.
 Deckers, Peter
 Etyel, John
 Ehman, Jerry
 Fick, John
 Falk, Fred.
 Fischer, Ludwig
 Fisher, George
 Fisher, Adam
 Fisher, Edward
 Fisher, Joseph
 Fisher, Fritz
 Fissler, Zacharias
 Fisher, John
 Fried, Peter John
 Gerdson, Henry
 Goetz, John
 Goldschmidt, Fr., jr.
 Grim, Wendelin
 Grim, Frank
 Grim, Joseph
 Grun, Joe
 Grun, John
 Gregory, Peter
 Hedke, August
 Hedke, Gottlieb
 Hedke, Ferdin
 Happ, Casper
 Hoyer, Jacob
 Heckel, Anton
 Holtmeier, John
 Hoelm, Henry
 Hartman, Rom.
 Hartman, Val.
 Heiner, John
 Herltz, Andrew
 Hofman, John
 Hartung, Carl
 Heringer, Sebastian
 Hess, William
 Jenuy, Jacob
 Jansen, Casper
 Kowalke, Jacob
 Kowalke, Gottlieb
 Kirsh, Jacob
 Kirsh, John
 Kaufman, Charles
 Kroenke, Ferdin

Krayner, Nic.
 Kohl, George
 Klein, Mathias
 Krautbauer, John
 Keile, Joseph
 Kissler, Henry
 Kohman, William
 Kaufhold, Bernhard
 Klastt, William
 Kunze, Albert
 Killer, Anton
 Krauke, Herm. Adolf
 Kirchner, Philip
 Krei, Carl
 Kaufhold, Jacob
 Kuhn, Fred.
 Kunze, Abraham,
 Kraft, Leo
 Kunz, Mathias
 Kasmocker, Henry
 Kohler, Dietrich
 Lundston, John
 Loman, Hubert
 Landgraf, Valentin
 Lambrecht, Herm.
 Lupitz, Gottfried
 Leithard, John
 Lembo, William
 Maetzold, Gottlieb
 Maetzold, William
 Mayer, John
 Manuel, Andrew
 Mondens, John G
 Martin, Anton
 Meyer, Carl
 Maas, Fritz
 Malmberg, Nils
 Maas, John
 Nilson, G. B.
 Nilson, Andrew
 Nieberle, Martin
 Ottinger, Tobias
 Oberle, Fritz
 Ottinger, Jacob
 Oberle, Fritz
 Peterman, Henry
 Poppitz, Ernest
 Poppitz, Gottlieb
 Pirson, Philip
 Pirson, John
 Pfeiffer, John
 Poppler, Fred.
 Plocher, Gottlieb
 Peterson, Andrew
 Phuptal, August
 Pills, John

Reese, Fritz, sr.
 Reese, Fritz, jr.
 Ranen, John
 Richter, Joseph
 Ruediger, Fritz
 Ruediger, Bernhard
 Reitz, Fritz
 Reitz, Henry
 Reichenberg, Mike
 Rodemaker, F. Joseph
 Rodemaker, Peter
 Richard, Nic.
 Reese, August
 Ruers, Nic.
 Staken, Cornelius
 Staken, Henry
 Swanson, Nic.
 Schroon, Henry
 Schroon, Andreas
 Schmidt, Martin
 Schmidt, Christian
 Schmidt, Fred.
 Schmiez, John
 Schwichtenberg, Fred.
 Sendelbach, John
 Swanson, Peter
 Salter, John
 Schwalbe, Henry
 Schwartz, Henry
 Scharf, Joseph
 Steinberger, Jacob
 Schoner, Frantz
 Schutz, Math.

Southeim, John
 Segfried, Charles
 Stimler, Anton
 Schuh, Anton
 Stultz, Jacob
 Seill, Loui
 Schum, George
 Shlun, Gerod
 Timmers, Mathias
 Tobbert, John
 Verkinnis, Arnold
 Verkinnis, Leo
 Verkinuis, Wilb.
 Wolff, Henry E.
 Wolff, Gustav
 Wolff, Loui
 Wetzig, Henry
 Wetzig, Moritz
 Wetzig, Theodore
 Wetteran, Henry
 Walter, John
 Walter, Jac.
 Wiber, Lorenz
 Walk, Magnus
 Winkel, John
 Werdehoff, Henry
 Weber, John
 Zimmerman, Fred.
 Zieman, John
 Zimer, Fred.
 Zimer, Carl
 Zimer, Herman
 Zoerb, Fritz

STATE OF MINNESOTA,
County of Carver, ss :

I, Leonard Strenkens, auditor of the county of Carver and St
 Minnesota, do hereby certify that the foregoing is a true and c
 copy of the poll-list of the town of Laketown, general election N
 ber 3, A. D. 1874; that the same has been compared with the or
 list on file in my office, and found to be a correct transcript th

Witness my hand and official seal, at Chaska, in said county
 15th day of April, A. D. 1875.

[SEAL.]

L. STRENKENS,
County Audi

STATE OF MINNESOTA, *Carver County, ss :*

I, H. E. Wolff, do solemnly swear that I will perform the du
 judge of this election, according to law and the best of my ability
 that I will studiously endeavor to prevent fraud, deceit, and ab
 conducting the same : so help me God.

HENRY E. WOL

Sworn and subscribed before me this 3d day of November, 187

H. GERDSEN,
Town Cl

STATE OF MINNSEOTA, *Carver County, ss :*

I, H. Staken, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

HENRY STAKEN.

Sworn and subscribed before me this 3d day of November, 1874.

H. GERDSEN,
Town Clerk.

STATE OF MINNESOTA, *Carver County, ss :*

I, Val. Hartmann, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

VALENTIN HARTMANN.

Sworn and subscribed before me this 3d day of November, 1874.

H. GERDSEN,
Town Clerk.

STATE OF MINNESOTA, *Carver County, ss :*

I, Henry Gerdson, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

HENRY GERDSEN.

Sworn and subscribed before me this 3d day of November, 1874.

HENRY E. WOLFF,
Justice of the Peace.

STATE OF MINNESOTA, *Carver County, ss :*

I, Leonard Dircks, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

LEONARD DIRCKS.

Sworn and subscribed before me this 3d day of November, 1874.

HENRY E. WOLFF,
Justice of the Peace.

SCHEDULE F.—*Poll-list for Carver Township, Carver County, State of Minnesota.*

STATE OF MINNESOTA, *Carver County, ss :*

I, Joshua P. Torrey, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

Sworn and subscribed before me this 18th day of October, 1874.

WM. BENSON,
Town Clerk.

STATE OF MINNESOTA, *Carver County, ss :*

I, A. P. Peterson, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

Sworn and subscribed before me this 18th day of October, 1874.

WM. BENSON,
Town Clerk.

STATE OF MINNESOTA, *Carver County, ss :*

I, A. R. Anderson, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

A. R. ANDERSON.

Sworn and subscribed before me this 3d day of November, 1874.

WM. BENSON,
Town Clerk.

STATE OF MINNESOTA, *Carver County, ss :*

I, Wm. Benson, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

W. BENSON.

Sworn and subscribed before me this 28th day of October, 1874.

A. P. PETERSON.

STATE OF MINNESOTA, *Carver County, ss :*

I, Alfred Torrey, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

ALFRED TORREY.

Sworn and subscribed before me this 3d day of November, 1874.

WM. BENSON,
Town Clerk.

List of qualified electors in the election-district composed of the township of Carver, in the County of Carver, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following named persons who were present and voting at the above-named election was one hundred forty-three (143.)

Certified by us :

A. R. ANDERSON,
J. P. TORREY,
A. P. PETERSON,
Judges of Election.

Attest

W. BENSON,
ALFRED TORREY,
Clerks of Election.

Poll-list.

- | | |
|---------------------------|-----------------------|
| 1 Anderson, A. G. | 55 Griffin, W. A. |
| 2 Anderson, Ole | 56 Goethe, Jacob |
| 3 Anderson, A. R. | 57 Honer, Anton |
| 4 Areen, Charles | 58 Honer, Jacob |
| 5 Abrahamson, A. | 59 Helgersen, John |
| 6 Ahlin, Andrew | 60 Holmes, Enoch |
| 7 Averkog, A. E. | 61 Houghton, George |
| 8 Anderson, John | 62 Heck, Matthew |
| 9 Ahlin, Andrew | 63 Hebeisen, John |
| 10 Abercrombie, John | 64 Herttz, Berthold |
| 11 Abercrombie, James | 65 Herdt, Adam |
| 12 Blomquist, John | 66 Haben, Patrick |
| 13 Blom, John | 67 Haas, Jacob |
| 14 Bristal, Christ. | 68 Hilander, John |
| 15 Bennett, George | 69 Haska, P. N. |
| 16 Bueche, Louis | 70 Hebeisen, Christ. |
| 17 Buttendorf, Peter | 71 Holmgreen, Nels |
| 18 Brunius, John O. | 72 Hurdensten, J. G. |
| 19 Benson, W. | 73 Heglin, H. P. |
| 20 Bloedell, John | 74 Johnson, Peter |
| 21 Bueche, Jacob | 75 Johnson, Charles |
| 22 Bryse, W. H. | 76 Jeday, Adolph |
| 23 Benson, Wm. | 77 Johnson, B. M. |
| 24 Benham, Wm. | 78 Jones, W. B. |
| 25 Bernhart, Jacob | 79 Johnson, Nels M. |
| 26 Burchard, John | 80 Jackson, David |
| 27 Ball, F. M. | 81 Johnson, P. M. |
| 28 Bengtron, John | 82 Johnson, Peter |
| 29 Borg, John | 83 Johnson, Gustav |
| 30 Butcher, Michael | 84 Johnson, Martin |
| 31 Dusail, Geo. A. | 85 Johnson, Henry |
| 32 Denuin, Albert | 86 Jackson, Charles |
| 33 Dunn, John | 87 Johuson, Ale. |
| 34 Dawwalter, Ch's | 88 Kulberg, John |
| 35 Denny, H. R. | 89 Knablauch, Anton |
| 36 Dougherty, Constantine | 90 Kelly, Michael |
| 37 Douglas, Joseph | 91 Köening, Wm. |
| 38 Delting, Joseph | 92 Kouthak, Andrew |
| 39 Erickson, Hans | 93 Lewis, E. H. |
| 40 Enquist, John | 94 Larron, Andrew |
| 41 Eckland, Gustave | 95 Lundgreen, Gustav |
| 42 Fink, Conrad | 96 Larton, Cluf |
| 43 Foster, Fred'k | 97 Lund, Lewis |
| 44 Funk, John | 98 Linuam, A. A. |
| 45 Freischle, Martin | 99 Lavene, August |
| 46 Flynn, Michael | 100 Mean, T. Roderick |
| 47 Freymuller, Adolph | 101 Miller, Anton |
| 48 Fay, Patrick | 102 Miller, Wm. |
| 49 Ginter, Mathew | 103 Michel, Peter |
| 50 Goethe, Christ. | 104 Morgantin, Wm. |
| 51 Gehl, Henry | 105 Meinke, John |
| 52 Goethe, Edward | 106 Mills, W. H. |
| 53 Griffin, L. H. | 107 Mordy, Thomas |
| 54 Gan, C. A. | 108 McPhee, A. F. |



109 Medin, John	135 Sponge, E. G.
110 Medin, Claus	136 Skatt, Fred'k
111 McLain, Hector	137 Stobl, Andrew
112 Newman, Thomas	138 Swanson, Andrew
113 Nuthy, Daniel	139 Swanson, A. M.
114 Orthel, Christ.	140 Shaeffer, John
115 Orthel, Henry	141 Schrimpf, Charles
116 Oleran, Henry	142 Shultz, J. H.
117 Oleran, John	143 Swenson, H.
118 Otto, John	144 Schoel, George
119 Peterson, A. R.	145 Samson, Ch's G.
120 Pintz, Henry	146 Torrey, J. P.
121 Paulin, John	147 Torrey, Alfred
122 Palm, Adam	148 Tonson, P. T.
123 Peterson, Charles	149 Trisell, August
124 Pintz, Hermann	150 Tide, Fritz
125 Peterson, Henry	151 Venland, John Peter
126 Reynolds, Phillip	151 Warner, Frank
127 Read, Lewis	153 Walter, Bernhard
128 Ringberg, Peter	154 Wanke, Julius
129 Sauer, Henry	155 Wommer, Fritz
130 Strache, Ferdinand	156 Wallin, Andrew
131 Sundine, John	157 Wilson, Swan
132 Sunschine, Joseph	158 Zettenberg, A. G.
133 Swanson, Lewis	159 Zanger, John
134 Sulter, Lewis	160 Zeitz, Conrad

STATE OF MINNESOTA, *County of Carver, ss:*

I, Leonard Strenkens, auditor of the county of Carver and S Minnesota, do hereby certify that the foregoing is a true and copy of the poll-list of the town of Carver, general election, Nov 3, A. D. 1874; that the same has been compared with the orig file in my office, and found to be a true transcript thereof.

Witness my hand and official seal, at Chaska, in said count 15th day of April, A. D. 1875.

[SEAL.]

L. STRENKENS
County Au

SCHEDULE G.—*Poll-list for Benton Township, Carver County, S Minnesota.*

STATE OF MINNESOTA, *Carver County, ss:*

I, Robert Müller, do solemnly swear that I will perform the d judge of this election, according to law and the best of my abilit that I will studiously endeavor to prevent fraud, deceit, and al conducting the same: so help me God.

ROBERT MÜLLER

Sworn and subscribed before me this 3d day of November, 18

EDWARD REUSSE,
Town

STATE OF MINNESOTA, *Carver County, ss:*

I, William Schneider, do solemnly swear that I will perform ties of judge of this election, according to law and the best of my

and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

WILHELM SCHNEIDER.

Sworn and subscribed before me this 3d day of November, 1874.

EDWARD REUSSE,
Town Clerk.

STATE OF MINNESOTA, *Carver County, ss:*

I, Frederick Damshen, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

FREDERICK DAMSHEN.

Sworn and subscribed before me this 3d day of November, 1874.

EDWARD REUSSE,
Town Clerk.

STATE OF MINNESOTA, *Carver County, ss:*

I, Edward Reusse, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

EDWARD REUSSE.

Sworn and subscribed before me this 3d day of November, 1874.

ROBERT PATTERSON,
Justice of the Peace.

STATE OF MINNESOTA, *Carver County, ss:*

I, Henry Obrock, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

HENRY OBROCK.

Sworn and subscribed before me this 3d day of November, 1874.

EDWARD REUSSE,
Town Clerk.

List of qualified electors in the election-district composed of the township of Benton, in the county of Carver, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was one hundred and eighty-seven, (187.)

Certified by us.

ROBERT MÜLLER,
WILHELM SCHNEIDER,
FREDERICK DAMSCHEN,
Judges of Election.

Attest:

EDWARD REUSSE,
HENRY OBROCK,
Clerks of Election.

	Allen, Frank	*	Eigelberger, John	
	Asfeld, Peter, sr.	*	Eigelberger, John, jr.	
	Asfeld, Peter, jr.		Ertz, Mathias	*
	Aretz, Mathias	*	60 Etzel, Henry	*
	Anderson, Charles	*	Engelen, Gerhard	*
	Buchholz, F. W.		Effertz, Joseph	
	Bergmann, Henry	*	Franken, Theodor	*
	Bleichner, George	*	Finkemeier, Ernst	*
	Bleichner, Jacob	*	Flusemann, Peter	*
10	Blackner, John	*	Filsmeier, Isedor	*
	Bongards, Herm.	*	Fischer, John	
	Bongards, Jacob	*	Fick, Joachim	
	Bongards, Gerhard, sr.	*	Friedel, Henry	*
	Bongards, Gerhard, jr.	*	70 Fieden, Theodor	
	Brilge, Christ. Vander	*	Grünhagen, Frederick	*
	Brilge, Cord Vander	*	Grünhagen, J. Henry	*
	Brilge, Henry Vander	*	Gabe, August	
	Brieshof, Henry		Goertz, Jacob	
	Brieshof, J. H.	*	Gennrich, Herman	*
20	Brieshof, Frederick	*	Graden, Christ.	*
	Berfield, Montg.	*	Graunke, Charles	
	Beier, Jacob	*	Gerttling, John	*
	Bauermeister, Frederick	*	Goetze, Rudolph	*
	Bauermeister, Otto	*	80 Gruns, Theodor	*
	Bass, Jacob		Hoen, Mathias	
	Bachmeier, Franz	*	Hoen, Peter	
	Bipes, Charles		Hilyers, John	*
	Rickers, John		Hilbrich, Edward	
	Bitzer, John		Hosterman, Henry	
30	Bitzer, Balthaser		Heimkes, Henry	
	Barlow, John		Henrion, Nic.	*
	Bomm, Andrew	*	Henrion, Peter	
	Dohlen, Peter	*	Hall, John	
	Dohlen, P. R.		90 Hus, John	*
	Dietel, Lorenz		Hess, Michael	*
	Dietel, John	*	Hanebring, Henry	*
	Dietel, Nicholas	*	Hammerle, John	*
	Dietzel, Charles	*	Harms, Carsten	*
	Dohmen, Gerhard	*	Harms, Christ.	
40	Damschen, Jacob		Hallner, Andrew	
	Damschen, Dietrich		Heinen, Henry	*
	Damschen, Frederick	*	Hany, John	*
	Damschen, William	*	Heur, Frederick	*
	Dols, Hubertus	*	100 Heuer, Louis	
	Dols, Lucas	*	Hochhausen, Leonhard	*
	Dols, Martin		Hochhausen, Henry	
	Drittebach, Nicol		Hochhausen, William	*
	Drittebach, Nicol, jr.		Hermann, Michael	*
	Drittebach, John		Hermann, Frederick	*
50	Daemmert, Nicolas		Haeftken, Henry	*
	Daemmert, Gustav	*	Hensgeu, Ernst	*
	Dettel, Christian	*	Hansen, Herman	*
	Ebersviller, John		Huben, Mathias	*
	Erixson, Andrew	*	110 Huben, Gerhard	*
	Erixson, Jonas		Hass, Henry	
	Eggers, Frederick	*	Jasper, Theodor	*

Jasper, Anton	*	170	Olsen, Swan	*
Jansen, Leonard	*		Obrock, Henry	*
Jansen, Peter	*		Proehl, Cord	*
Jorissen, William	*		Proehl, Fred'k	*
Jorissen, Peter			Proehl, Henry	*
Johnson, John			Patterson, Robert	*
Johnson, Andrew	*		Peterson, Ben.	
20 Johnson, Gustav			Peterson, Nils	
Koch, August			Peterson, John	*
Kohler, John	*		Pfleghear, Conrad	*
Konzack, Michael		180	Romeis, John	
Kremers, Henry	*		Roufs, Theodor	*
Karmann, Tillman			Ranicker, Mathias	
Klein, George	*		Ranicker, Christ.	*
Kronschobel, Casp.	*		Ranft, Henry	*
Keif, Jacob	*		Ranft, Henry John	*
Klingler, Phillip	*		Reusse, Edward	*
130 Klingler, David	*		Rottermann, Samuel	*
Lempke, Frederick	*		Russel, Horace	*
Lehn, Gottfried			Russel, Allen	
Leistico, Charles	*	190	Roth, Casper	*
Libert, George	*		Roth, Casper, jr.	*
Larsen, Peter	*		Rolf, Clamer	*
McQuire, John	*		Rolf, William	
McQuire, Hugh	*		Rabi, Cord	*
Mans, William			Schneider, William	*
Muller, Robert	*		Schaefer, Nicolaus	*
140 Muller, Alexander	*		Spoon, Christ.	*
Mueller, Christian			Schmidt, Phil. sr.	*
Mueller, Frederick			Schmidt, Phil, jr.	*
Marguard, Henry	*	200	Schmitz, Henry	
Mueller, Charles			Schmeitz, Joseph	*
Machren, Mathias	*		Schmeitz, Martin	*
Machren, Casper	*		Swanson, Andrew	
Machren, Herman	*		Schmidt, Fred'k	*
Mattfeld, Henry	*		Schmidt, Victor	
Mesenbring, Conrad	*		Strenkins, Peter	*
150 Mohrbacher, John	*		Strenkins, John	
Mohrbacher, Adam, sr.			Strenkins, Joseph	*
Mohrbacher, Adam, jr.	*		Sauter, Ernst	*
Mohrbacher, Paul	*	210	Sauter, Fred'k	*
May, Thomas	*		Spicker, Theodor	*
Menten, Theodor			Spicker, William	*
Mantenfel, Gustav	*		Spicker, Henry	*
Meulenens, Cornelius	*		Sieben, Michael	*
Mohnen, Henry			Seiberlich, Louis	*
Mohnen, Gerhard	*		Sieberlich, Frank	*
60 Menwissen, Henry, sr.	*		Schwarzkopf, Gottf.	*
Menwissen, Henry, jr.	*		Schwarzkopf, Julius	*
Menwissen, Jacob	*		Schog, John	
Mader, Peter	*	220	Schog, Lorenz	*
Nellen, Peter	*		Springler, John	
Nellen, Henry	*		Smuts, John	*
Neumann, Otto			Smuts, Peter	*
Neuman, Ernst			Smuts, Henry	*
Olsen, Andrew			Thuemers, Adam	
Olsen, Stim.			Thom, Ludwig	

	Thompson, Thomas	*	Waldin, Andrew	*
	Van Hul, Henry	*	Wiebke, Cord	*
	Willemssen, Arnold	*	Winkler, Ignatz	*
230	Willemssen, Jacob	*	Wiebke, Cord Fred'k	*
	Willemssen, Michael	*	Weinmann, John	*
	Willemssen, Dietrich	*	Weiser, John Herman	*
	Willemssen, William	*	Wildung, William	*
	Willems, William	*	Wittsack, Ferdinand	*
	Willems, John	*	Wittsack, August	*
	Wolf, Henry	*	250 Wittsack, William	*
	Weltus, John	*	Zumberge, Fred'k	*
	Wolfom, Christ.	*	Zumberge, Henry	*
	Wildung, Diedrich	*	Zinkin, Leonard	*
240	Walter, Gottfried			

Names inserted after opening the polls.

Harms, Henry	*	Beschken, Peter	*
Ehrenberg, August	*	Briehof, Fred'k	*
Ebersviller, Peter	*	Beschken, Arndel	*
Schlemmer, Peter	*	Voyes, Conrad	*
Winterhalt, Phill	*	Wirtz, Peter	*

STATE OF MINNESOTA, *County of Carver, ss :*

I, Leonard Strenkens, auditor of the county of Carver, and State of Minnesota, do hereby certify that the foregoing is a true and correct copy of the poll-list of the town of Benton, general election, November 3, A. D. 1874; that the same has been compared with the original list on file in my office, and found it to be a correct transcript thereof.

Witness my hand and official seal, at Chaska, in said county, this 15th day of April, A. D. 1875.

[SEAL.]

L. STRENKENS,
County Auditor.

Certificate of notary.

In the matter of the contested election for a member of Congress from the second congressional district of the State of Minnesota in the House of Representatives of the United States for the Forty-fourth Congress.

STATE OF MINNESOTA,
County of Scott, ss :

I, D. A. Brown, city recorder of the city of Shakopee, in the county and State aforesaid, and a notary public in and for said State, residing in said county of Scott, do hereby certify that the foregoing depositions and documentary evidence were taken before me, and said depositions were written down by me on the 4th day of March, A. D. 1875, at the village of Chaska, in the county of Carver, in said State, at the time and place mentioned in, and in pursuance of, the notice of the taking of the same hereunto prefixed, and that both parties to said contest then and there appeared by their respective attorneys and took part in the examination of the witnesses who gave the foregoing evidence relating to said matter, and that said witnesses were duly sworn and gave said evidence under oath; and that after such examination and

such taking down in writing of said evidence, it (said evidence) was read to said witnesses, and by them, and each of them, subscribed to in my presence, and in the presence of both parties hereto.

Dated March 6, A. D. 1875.

[SEAL.]

D. A. BROWN,
*City Recorder of the city of Shakopee, and a
Notary Public of Scott County, Minnesota.*

Notice to take testimony. March 20, 1875.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

SHAKOPEE, March 20, 1875.

SIR: You are hereby notified that, in pursuance of an act of Congress entitled "An act to provide the mode of obtaining evidence in cases of contested elections, passed the 19th day of February, 1851, and acts supplementary and amendatory thereof," it is my intention to examine the following-named witnesses at the times and places hereinafter stated, before D. S. Brown, esq., the city recorder of the city of Shakopee, in the county of Scott and State of Minnesota, and a notary public duly qualified and authorized to take such evidence and examine such witnesses, such notary and recorder residing within such congressional district. The names of such witnesses, the time and place of such examination, and their places of residence are as follows, to wit:

John Kinsey, county auditor of the county of Le Sueur, State of Minnesota, at his office in Le Sueur, on the 26th day of March, 1875, at 11 o'clock in the forenoon of that day.

Chris. Deidra, county auditor of the county of Sibley, State of Minnesota, at the office of the county auditor of said Sibley County, in Henderson, on the 27th day of March, 1875, at 10 o'clock in the forenoon of that day.

The Hon. A. R. McGill, Hon. S. B. Jennison, Joseph A. Wheelock, and Hon. Horace Austin, all residents of the city of St. Paul, Minnesota, at the office of the secretary of state, at the capitol, in the city of St. Paul, on the 29th day of March, 1875, at 1 o'clock in the afternoon of that day.

The Hon. John Kenedy and Michael Heinan, the county auditor of the county of Dakota, State of Minnesota, all residents of the city of Hastings, in said county, at the office of the said county auditor in the city of Hastings, in said county, on the 30th day of March, 1875, at 1 o'clock in the afternoon of that day.

H. B. STRAIT, *Contestee.*
BROWN & PECK,
Attorneys for Contestee.

E. ST. JULIEN COX,
Contestant.

Proof of service.

STATE OF MINNESOTA,
County of Nicollet, ss:

On this 22d day of March, A. D. 1875, personally appeared before me, the undersigned, the clerk of the district court in and for the county of Nicollet, Minnesota, Lewis Swenson, to me well known, who, being first duly sworn, deposes and, on his oath, says that in the city of Saint Peter,

in said county of Nicollet, on Saturday, the 20th day of March, A. D. 1875, he served the within notice upon the within-named E. St. Julien Cox, by delivering to and leaving with him then and there in hand a true copy hereof.

And further this deponent saith not.

L. SWENSON.

Subscribed and sworn to before me this 22d day of March, A. D. 1875.

[SEAL.]

AZU C. STONE, Clerk.

Protest of contestant.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

E. ST. JULIEN COX, CONTESTANT,
vs.
H. B. STRAIT, CONTESTEE. } **Testimony.**

Contestant appeared in person and by attorney and objected to the taking of any testimony on grounds stated, which were as follows, to wit:

And now comes the contestant, E. St. Julien Cox, in his own proper person, and objects to the taking of the testimony of John Kiuzie, or any other person or individual, or taking any testimony under the notice of contestee, H. B. Strait, of date March 20, 1875, for the reason that the forty days allowed contestant to take his testimony has not expired or elapsed; the said contestant, E. St. Julien Cox, first having begun to take his testimony on the 23d day of February, 1875, since which commencement of taking testimony forty days have not elapsed; and, second, that the notice does not show or disclose whether the testimony sought is in addition to that attempted to be heretofore taken at Chaska, or the witness additional to the witnesses pretended heretofore to have been examined at Chaska aforesaid, in the county of Carver, of which notice was heretofore served upon contestant.

Third. The notice herein purporting to have been served on contestant does not disclose, state, or give the place of residence of said John Kinzie.

Fourth. The day upon which said pretended testimony is to be taken, as stated in the pretended notice served herein by respondent, Strait, is a legal holiday by the laws of the State of Minnesota.

March 26, 1875.

E. ST. JULIEN COX,
Contestant.

Deposition of John Kinsey.

Whereupon JOHN KINSEY was called as a witness on part of contestee, and, after being first duly sworn, testified as follows, to wit:

Question. Are you county auditor of the county of Le Sueur; and, if so, how long have you been so?—**Answer.** I am, and have been **two** years the 1st day of last March.

Q. Were you one of the canvassing board who acted in the canvassing of the votes cast at the general election held in the fall of 1874?—

A. I was. I acted personally as canvasser on that board.

Q. Have you all the papers in your office, as such county auditor that were used on and in that canvass?—A. I have.

Q. Have you also in your possession the original abstract from which you made and sent to the secretary of state the result of that canvass?—A. I have.

(Original abstract produced by witness from which copy was sent to secretary of state of the result of canvass.)

Q. Will you state the number of votes cast for member of Congress in the town of Cleveland, in your county?—A. The whole number, 227, of which E. St. Julien Cox received 125 and H. B. Strait 102. In the town of Kasota, whole number, 232: E. St. Julien Cox, 119; H. B. Strait, 113. In the town of Tyrone, total, 176: E. St. Julien Cox, 161; H. B. Strait, 15. In the town of Cordova, total, 143: E. St. Julien Cox, 119; H. B. Strait, 24. In the town of Kilkenny, total, 127: E. St. Julien Cox, 125; H. B. Strait, 2. In the town of Waterville, 166: E. St. Julien Cox, 122; Strait, 44. Town of Elysian, 152: Cox, 107; Strait, 45. Town of Montgomery, 150: Cox, 147; Strait, 3. Town of Lexington, 112: Cox, 82; Strait, 30. Town of Derrynane, 129: Cox, 126; Strait, 3.

Q. From what one of the towns that you have named was there a registry poll-list returned to you, as county auditor?—A. Only one of the towns named returned original registry poll-list, to wit, the town of Elysian.

Q. From the town of Elysian is there anything in the returns from there to show that the judges or clerks of election were sworn?—A. It does not appear that they were sworn to before any officer, except so far as the certified copy hereto attached and marked "Exhibit B" shows it to have been done.

Q. Before whom were the judges and clerks of election sworn?—A. In the town of Cleveland, S. L. Nichols, town clerk; Kasota, by J. W. Babcock, justice of the peace; Tyrone, J. O'Donel, justice of the peace; Cordova, A. L. Sutton, justice of peace; Kilkenny, D. Doyle, justice of peace; Waterville, L. C. Rodgers, notary public; Montgomery, James McCarty, justice of peace; Lexington, George Earl, justice peace; Derrynane, Richard O'Counel, justice of peace.

Q. At the time of the canvass of the votes given at the election in the fall of 1874, was there any other papers used before the board except the ones you have mentioned?—A. No.

Q. Was there any other evidence before the board of any elections held in 1874, except the papers you have mentioned?—A. No.

Cross-examination commenced by contestant under protest:

Q. Did you give any notice of a general election to be held in November, 1874?—A. I did not.

Q. What was there returned from the various towns mentioned by you in your testimony heretofore given as evidence of the votes cast for Congressman at the general election of November 3, 1874?—A. The election returns which consist of the list of names of those voting; also, the names of the candidates voted for, and an abstract of the number of votes that each candidate received, certified to by the judges of election and attested by clerks.

Q. Was such a return in each case made to you in the several towns mentioned in your evidence heretofore given, except Elysian?—A. Yes, sir.

Q. In the certificate from the town of Elysian do the names of the judges appear as signed by them in their oath as judges of that election in their own handwriting.

(To which question contestee objected.)

A. I think they are.

Q. In the town of Elysian returns was there and is there a certificate by the judges and clerks of the qualified electors who voted at the election of November 3, 1874?

(Objected to for the reason that he does not know who the qualified electors are; second, if there is any such certificate, it is the best evidence.)

A. There is.

(Statement made by witness: "That in the town of Cleveland one affidavit is sworn to before the chairman of the board of supervisors of the town of Cleveland.")

Q. When you say that there was no other evidence before you, of an election being held in the towns above referred to, when you canvassed the votes, you mean to be understood the poll-lists of voters with certificates of proper officers and certified abstracts and canvass of votes by town canvassers, to wit: judges and clerks of election, do you not?—A. I mean certified copies of poll-lists and certified abstracts of votes cast at that election in said towns at general election held November 3, 1874.

Q. Was it from these that you and the justices made official canvass of votes for Congress in Le Sueur County cast at that election?—A. Yes, sir.

(Contestee will annex to the foregoing, certified copies of the poll-lists and abstracts returned to the witness as county auditor from the several towns mentioned in his testimony, and notice of contest.

Q. Are these poll-lists and certified abstracts as returned to you from the several towns mentioned, the usual and common returns received by you after the holding of general election in this county?

(Objected to on ground that the papers themselves are the best evidence.)

A. They are.

JOHN KINSEY,
Auditor of Le Sueur County, Minnesota.

Subscribed and sworn to before me, March 26, 1875.

D. A. BROWN,
*City Recorder of the City of Shakopee, and
Notary Public Scott County, Minnesota.*

EXHIBIT B.—*Poll-list for Elysian Township, Le Sueur County, State Minnesota.*

List of qualified electors in the election district composed of the township of Elysian, in the county of Le Sueur, State of Minnesota, an election to be held in the said election district, on the 3d day November, 1874.

The whole number of the following-named persons who were present and voting at the above named election was one hundred and fifty (155.)

Certified by us—

G. W. STERLING,
A. L. ZELLMER,
DELOS L. FISH,
Judges of Elect

Attest:

Poll-list.

1 B. W. Gifford
 2 A. Faught
 3 Henry Wilby
 4 Chas. Talbot
 5 Eph. Davis
 6 Ira Myrick
 7 John Harty
 8 Ed. Harty
 9 Henry Kelley
 10 Chas Christman
 11 D. B. Lewards
 12 R. K. Reed
 13 James Warner
 14 Bolke Frank
 15 Wm. Dutchman
 16 John Reba
 17 Christopher Brandes
 18 Wm. Lavin
 19 Wm. Heling
 20 Fred. Klist
 21 Chas. Heilman
 22 John Heilman
 23 Peter Harrier
 24 Louis Hohn
 25 Wm. Reitz
 26 F. G. Conway
 27 H. S. Chase
 28 Balk, H.
 29 Frank Gilbrid
 30 Zettee, F.
 31 John McNeill
 32 Patrick McGrath
 33 Christian Goyer
 34 A. Rinheldt
 35 August Stavanaw
 36 Reetz, Wm.
 37 O. Jewell
 38 S. S. Ulvin
 39 George Smith
 40 W. D. Cole
 41 Wm. Collise
 42 Stavanaw, L.
 43 Wenzel Thiemer
 44 Zellman, Aug.
 45 B. Remhirldt
 46 Wm. Pfalzgraff
 47 Chas. Collise
 48 E. Dahn
 49 Schvonsk, John
 50 G. Heginstein
 51 Jas. Clark
 52 Ed. Barnes
 53 Cavanaw, Rich.
 54 G. Dahn
 55 Zellmer, Wm.

56 John Dahn
 57 August Quast
 58 Fred. Folzman
 59 Davitz, F.
 60 L. Zellmer
 61 Wm. Morsching
 62 Ed. Morsching
 63 Delos Fish
 64 J. Pfalzgraff
 65 Volker, F.
 66 John Pine
 67 J. H. Foster
 68 S. Johnson
 69 Thos. Burdick
 70 Frederick Bluhm
 71 G. Kelm
 72 L. Rosenan
 73 Martin Gilbride
 74 M. L. Gifford
 75 A. E. Prosser
 76 James Warner
 77 Emel Thiemer
 78 F. W. Curtis
 79 John Werth
 80 G. Rush
 81 James Warberton
 82 Miles Chadwick
 83 Michael Lynch
 84 M. W. Scott
 85 Otis Fish
 86 James Chadwick
 87 Wm. Fish
 88 Dan. Haskell
 89 Bat. Filand
 90 M. Harrier
 91 John Chadwick
 92 Rush Myrick
 93 Anton Sebra
 94 Albert Tiffney
 95 Jas. McNeil
 96 Russell Brand
 97 Powell, John
 98 M. D. Chase
 99 J. C. Chase
 100 A. H. Lange
 101 Asa Swaine
 102 Chas. DuFoe
 103 Wen. Groh
 104 Joseph Warner
 105 W. H. Norton
 106 Lud Hyne
 107 John Hudleska
 108 Samuel Clark
 109 Geo. Culp
 110 Martin Gilbride

111 Joseph Tobias	134 Wm. Knopp
112 M. W. Stirling	135 John Halopenfick.
113 T. Remhield	136 John Laney
114 Wm. Culp	137 J. C. Swain
115 Scribner, Z.	138 D. R. Jordan
116 A. R. Cheesebro	139 John Louis
117 E. H. Stone	140 Wm. Warner, sen.
118 John Warner	141 Joseph Berghn
119 Sam. Lyliard	142 G. G. Neddow
120 Wm. Barnes	143 Geo. Ray
121 Donald McNeill	144 Samuel Warburton
122 O. C. Tibbetts	145 Robert Holcomb
123 Henry Culp	146 Wm. Root
124 A. Culp	147 George Jacque
125 Jonathan Culp	148 Joseph Brolick
126 Geo. Dunleavey	149 Rich. Kelley
127 Warner, Wm.	150 A. York
128 James Rea	151 John Tobias
129 Rich. Campbell	152 W. Chadwick
130 Joseph Davidson	153 J. C. York
131 O. Satterlee	154 John Barlow
132 Aug. Devitz	155 Lester Dahn
133 David Douglass	

STATE OF MINNESOTA, *Le Seuer County*, ss :

I, G. W. Sterling, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Le Seuer County*, ss :

I, Delos Fish, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Le Seuer County*, ss :

I, A. L. Zellmer, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *County of Le Sueur*, ss :

I hereby certify that I have compared the foregoing copies with the original poll-lists, each and severally for the towns of Derrynane, Tyrone,

Lexington, Montgomery, Kilkeny, Cordova, Cleveland, Kasota, and Elysian, and that the same are true and correct copies of the originals, on file in my office, and of the whole thereof.

Given under my hand at Le Sueur this 12th day of April, A. D. 1875.

[SEAL]

JOHN KINSEY,

County Auditor, Le Sueur County, Minnesota.

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, Jas. Rea, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, A. Faught, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

Sworn and subscribed before me this 3d day of November 1874.

STATE OF MINNESOTA, *County of Le Sueur, ss :*

AUDITOR'S OFFICE, *Le Sueur, April 12, 1875.*

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.

[SEAL.]

JOHN KINSEY,

County Auditor, Le Sueur County, Minnesota.

EXHIBIT C.—*Poll-list for Waterville Township, Le Sueur County, State of Minnesota.*

List of qualified electors in the election-district composed of the township of Waterville, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election, was one hundred and sixty-seven (167.)

Certified by us:

Judges of Election.

Attest:

CHAS. DOLAN,

WM. GREEN,

Clerks of Election.

1 Atherton, Valores x	52 Green, G. E. x
Alexander, Elias x	53 Green, Bart. x
Alexander, Charles	54 Gregor, Ed. x
Bennett, Joseph	Grout, Ben.
3 Brown, J. S. x	55 Gish, Jacob (Por.) x
4 Blair, G. A. x	56 Giles, H. (added) x
5 Beach, J. P. x	57 Green, G. H. (added)
6 Bullis, L. H. x	58 Gish, James (added) x
7 Burke, Wm. x	59 Hutt, G. W. (added) x
8 Bickel, Henry x	60 Harrison, Alfred x
9 Blair, C. P. (added) x	61 Hawkins, John x
10 Blair, L. L. (added) x	Hawkins, Nath.
11 Baker, John (added) x	62 Herban, Pat. x
12 Blair, H. P. (added) x	63 Hanks, Frank x
13 Brax, John (added) x	64 Hiatt, Joseph x
14 Corcoran, Michael (added) x	65 Higgins, Walter x
Clemens, Wm.	66 Ireland, David x
15 Clark, Wm. x	67 James, Oliver (added) x
16 Christman, Hiram x	68 James, Antony (added) x
17 Cantwell, Ed. x	69 Jacklin, R. M. x
18 Cram, John x	70 Knaph, Chas. x
Clemens, Alvin	71 Kanna, August x
19 Chatfield, J. E. x	72 Kapaur, Frank x
20 Carrey, Stephen x	73 Kleteschku, Vin. x
21 Coon, John (added) x	74 Kisor, A. x
22 Comstock, Luther (added) x	75 Kimble, M. G. x
23 Dawald, Jacob x	76 Kelm, August x
24 Dawald, Matt. x	77 Knaak, F. x
25 Dickinson, Sam'l x	78 Kenny, Martin x
26 Dorn, Conrad, jr. x	79 Knight, Ben x
27 Dusbabeck, Ant. x	80 Knoph, Chris. (added) x
28 Dusbabeck, Frank x	81 Knaap, Joseph (added) x
29 Dusbabeck, Joseph x	82 Kenrick, A. (added) x
30 Dolan, Chas. x	83 Lamont, John x
31 Damp, N. x	Lamont, A.
Denis, Geo.	84 Lamont, A., jr. x
32 Daniel, Ethan (added) x	85 Lamont, Chas. x
33 Domnoske, Fred. (added) x	86 Lamont, Nathan x
34 Durvey, Edgar x	87 Leasure, Joseph x
35 Dusbabek, Martin (added) x	Lola, John
36 Deny, John (Por.) x	88 Lawless, Michael x
37 Dorn, Konrad, sen. (added) x	89 Lind, Michael x
38 Evans, Ed. x	Liebing, Chris.
39 Evans, John x	Liebing, Henry
40 Ely, Fred. x	90 Mitchell, G. x
41 Fellow, David (added) x	91 Murph, Pat. x
42 Firch, Michael x	92 Murphy, John x
43 Fields, John x	93 McIntyre, C. C. x
44 Finch, L. C. (added) x	94 Munger, Warren x
45 Frondlo, Frank (P. o.) x	95 McGovern, Bart. x
46 Gerhot, Matt. x	96 McGovern, Pat. x
47 Gaulitz, Vin. x	97 Mathews, W. G. (Por.) x
48 Gish, H. L. x	98 McKinsey, Wm. (added) x
49 Gish, J. W. x	99 Newman, John x
50 Green, Harvey x	100 Oviatt, H. M. x
51 Green, Wm. x	101 O'Leary, Wm. x

102 Oblinger, Horace (added) x	135 Stechta, Charles x
103 Perry, Frank (added) x	136 Sheridan, Andrew x
104 Platz, Theo. (added) x	137 Stevenaw, Samuel x
105 Platz, Cornelius (added) x	138 Stangler, Edward x
106 Pischel, U. x	139 Stangler, Anton x
107 Pischel, Fred. x	140 Sarschan, John x
108 Piper, Johnson x	141 Seger, Martin x
109 Price, Julius x	142 Storing, Ludwig x
110 Price, Ferdinan x	143 Sanborn, Harvey (added) x
111 Price, John x	144 Stowe, Lewis (added) x
112 Philbrick, Sam'l x	145 Storing, William (added) x
113 Payne, Jubal (added) x	146 Schram, Igrate, (added) x
114 Queram, Michael (added)	147 Staples, Julius (added) x
115 Queram, Daniel (added) x	148 Tomscha, John (added) x
116 Rogers, Thos. (added) x	149 Timpane, James x
117 Rogers, Zran x	150 Timpane, Daniel x
118 Rogers, L. Z. x	151 Thorburn, James x
119 Rogers, David x	152 Tuttle John x
120 Russell, John x	153 Tidball, A x
121 Russell, Ed. x	154 Todd, C. D. (added) x
122 Rardon, Sam'l x	155 Thies, Chris. (added) x
123 Rardin, Wm. x	156 Veal, S. T x
124 Ryan, Thos. x	157 Veal, A. D x
125 Ryan, Dan'l x	158 Van Blaricom David (added) x
126 Rounds, Chan. x	159 Ward, James (added) x
127 Rotchford, John x	160 Warner, M. H. x
128 Ritchie, John x	161 Woliver, Giles x
129 Ritchie, Henry x	162 Worlin, George x
Robbins, Harvey	163 Wasson, Jesse x
130 Robins, Rans x	164 Weber, Joseph (added) x
131 Reynolds, Sam'l x	165 Younglove, J. C. (added) x
132 Ruth, Peter (added) x	166 Zanders, T. H. x
133 Rosset, G. (added) x	167 Zellmar, William x
134 Robins, James (P. o.) x	

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, James Timpane, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JAMES TIMPANE.

Sworn and subscribed before me this 3d day of November, 1874.

WM. GREEN,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County* ss :

I, F. Pischel, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

FRED. PISCHEL.

Sworn and subscribed before me this 3d day of November, 1874.

WM. GREEN,

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, H. L. Gish, do solemnly swear that I will perform the duties judge of this election, according to law and the best of my ability ; a that I will studiously endeavor to prevent fraud, deceit, and abuse, conducting the same : so help me God.

H. G. GISH

Sworn and subscribed before me this 3d day of November, 1874.

WM. GREEN,
Justice of the Peace

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, Charles Dolan, do solemnly swear that I will perform the duties clerk of this election, according to law and the best of my ability ; a that I will studiously endeavor to prevent fraud, deceit, and abuse, conducting the same : so help me God.

CHAS. DOLAN.

Sworn and subscribed before me this 3d day of November, 1874.

WM. GREEN,
Justice of the Peace

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, William Green, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; a and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same : so help me God.

WILLIAM GREEN.

Sworn and subscribed before me this 3d day of November, 1874.

[SEAL.]

L. Z. ROGERS,
Notary Public.

STATE OF MINNESOTA, *County of Le Sueur, ss :*

I hereby certify that I have compared the foregoing with the original poll-list on file in my office, and that the same is a true and correct copy of the whole thereof.

Dated at Le Sueur, this 13th day of April, 1875.

[SEAL.]

JOHN KINSEY,
County Auditor Le Sueur County, Minnesota.

EXHIBIT D.—*Poll-list for Kasota Township, Le Sueur County, State Minnesota.*

List of qualified electors in the election-district composed of the township of Kasota, in the county of Le Sueur, State of Minnesota, for election to be held in the said election-district on the third day of November, 1874.

The whole number of the following named persons who were present and voting at the above-named election was 233.

Certified by us—

J. B. GAULT,
THOMAS MOSES,
T. C. NASON,
Judges of Election.

Attest :

T. D. FOWBLE,
F. D. ADAMS,
Clerks of Election.

1 C. Backer
 2 W. C. Moses
 3 F. D. Adams
 4 D. R. Huguenin
 5 S. D. Payne
 6 C. R. Bardwell
 7 T. D. Fowble
 8 Adam Wendleshaffer
 9 O. D. Brown
 10 J. B. Gault
 11 J. Randolph
 12 E. J. French
 13 A. C. Fowble
 14 A. B. French
 15 W. S. French
 16 W. Jocelynn
 17 J. Ynsipson
 18 J. W. Babcock
 19 Hiram Munson
 20 Wm. E. Ward
 21 J. E. Miles
 22 N. Carey
 23 M. Klasis
 24 Ben Harrington
 25 John Burns
 26 John Errickson
 27 A. J. Wakefield
 28 J. A. Roberts
 29 Wm. Chandler
 30 M. L. French
 31 John Ahlman
 32 John Moulton
 33 Henry Dankelbech
 34 Wm. Durilan
 35 James Hanel, sr.
 36 Hugh Turriffin
 37 Thomas Turriffin
 38 Adam Wendelschaffer
 39 George Dilley
 40 John Sbultz
 41 Joseph Lelond
 42 Wm. C. Gault
 43 John M. Pettijohn
 44 L. J. Mack
 45 Frank Campbell
 46 E. P. Hull
 47 T. C. Nason
 48 Wm. Pettis
 49 Adam Minten
 50 J. F. Westlake
 51 G. Cooper
 52 Levi Chapman
 53 David Street
 54 Uriah Hight
 55 O. S. Redfield
 56 Thomas Moses

57 Eli Shaw
 58 Charles Pettis
 59 John Martin
 60 Henry Hodge
 61 Martin Anderson
 62 Orange R. Davis
 63 J. C. Dean
 64 S. H. Pettis
 65 John Bland
 66 Henry Bland
 67 John Shaubert
 68 Wm. Pigman
 69 E. Pfeferle
 70 Peter Smith
 71 Herman Munson
 72 Peter Smith, jr.
 73 John Lower
 74 Joseph Sherwood
 75 Joel Strong
 76 Theodore Shaubert
 77 M. McGrath
 78 Mich. Shaubert
 79 Matt. Shaubert
 80 Fred Nimps
 81 John Pfefferle
 82 Chas. Radkey
 83 At. Bedbury
 84 W. L. Vernon
 85 Frank Shaw
 86 B. F. Thompson
 87 J. R. Andrews
 88 Wm. Bell
 89 Horace Munson
 90 Wm. M. Wells
 91 Isaac Allen
 92 C. P. Horberg
 93 Wm. Nason, jr.
 94 Patrick Hamel
 95 P. S. Gardner
 96 Geo. Besser
 97 P. Jackson
 98 P. Brown
 99 John Conway
 100 John S. Turriffin
 101 J. B. Turriffin
 102 George Bennett
 103 C. H. Castle
 104 S. B. Carpenter
 105 James Sullivan
 106 R. L. Nason
 107 Daniel Ray
 108 John Calahan
 109 Mathew Green
 110 Jacob Smith
 111 Christ. Hubb
 112 G. C. Clark

113 Andrew Sünder	169 Isaac Roberts
114 Patrick Noon	170 Emil Diendonne
115 Jasper Olis	171 A. Lelond
116 M. Reed	172 Albert Volk
117 C. W. Andrews	173 W. A. Thompson
118 Zenas Chapman	174 Llewellyn Lang
119 Oscar Basey	175 Heutes Nicholas
120 N. Kolbert	176 Wm. Delanter
121 C. Boseker	177 R. Huguin
122 John L. Pettis	178 D. Huguin
123 S. W. Pettis	179 Wm. D. Bossout
124 J. O. Andrews	180 H. C. Davis
125 Patrick Baker	181 Wm. Waterman
126 R. G. Baker	182 Geo. Delanter
127 D. W. Carpenter	183 Conrad Smith
128 G. Hammon	184 Peter Peterson
129 A. C. Munson	185 Wm. Blake
130 Patrick Kalaber	186 Andrew Peterson
131 Asa Keneston	187 H. H. Hermanson
132 James Smith	188 James Baker
133 E. E. Boutwell	189 Nels. Haumenberg
134 Frank Meyer	190 Patrick Conway
135 R. Ragey	191 Asa Cheadle
136 David Kendall, jr.	192 James Harrell, jr.
137 William McQuat	193 Waller Chandler
138 George Warrant	194 Geo. Case
139 A. L. Westlake	195 C. S. Miles
140 Christ. Koble	196 John Grief
141 Nels. Lauson	197 George C. Clapp
142 R. Butters	198 George Burrnett
143 Cady Preston.	199 George Butterfield
144 A. Poston	200 John Kornen
145 Thos. Lelond	201 Chas. Josceylyn
146 John Rapp	202 James Warrant
147 Chas. Block	203 Chas. Rogers
148 A. P. Gault	204 C. N. Warrant
149 Wm. Block	205 M. J. Ryan
150 Warren Parsons	206 E. R. Davis
151 E. R. Vernon	207 Isaac Davis
152 G. S. Millard	208 T. D. Davis
153 John Henniker	209 Frank Woodman
154 Peter Brown	210 O. P. Williams
155 Thomas Griffith	211 Horace Williams
156 L. H. Burris	212 Joseph Latour
157 R. C. Thompson	213 Hugh Corr
158 J. P. Burch	214 Thomas Corr
159 Joseph Jocelyn	215 James Smith
160 Adam Volk	216 Thomas Henderson
161 M. H. Wood	217 Joseph Monro
162 Louis Wentline	218 A. Sawyer
163 Rudolph Volk	219 Artemus Jocelyn
164 John Weger	220 John Arend
165 Albert Lauson	221 George R. Moler
166 J. Poston	222 A. J. Moler
167 J. J. Miller	223 Morris Campbell
168 Saml. Miles	224 R. R. Turritin

225 John Kern
 226 I. Ruble
 227 Jacob Klasus
 228 Dennis Newton
 229 Oscar Joscelyn

230 D. W. Pettis
 231 Chas. Joscelyn,
 232 John Ofenbach
 233 Henry Pettis

STATE OF MINNESOTA,
Le Sueur County, ss :

I, J. B. Gault, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

J. B. GAULT.

Sworn and subscribed before me this 3d day of November, 1874.

J. W. BABCOCK,
Justice of the Peace.

STATE OF MINNESOTA,
Le Sueur County, ss :

I, Thomas Moses, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

THOMAS MOSES.

Sworn and subscribed before me this 3d day of November, 1874.

J. W. BABCOCK,
Justice of the Peace.

STATE OF MINNESOTA,
Le Sueur County, ss :

I, T. C. Nason, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

T. C. NASON.

Sworn and subscribed before me this 3d day of November, 1874.

J. W. BABCOCK,
Justice of the Peace.

STATE OF MINNESOTA,
Le Sueur County, ss :

I, T. D. Fowble, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

T. D. FOWBLE.

Sworn and subscribed before me this 3d day of November, 1874.

J. W. BABCOCK,
Justice of the Peace.

STATE OF MINNESOTA,
Le Sueur County, ss :

I, T. D. Adams, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and

that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

T. D. ADAM

Sworn and subscribed before me this 3d day of November, 1874.

J. W. BABCOCK,
Justice of the Peace

STATE OF MINNESOTA,
County of Le Sueur, ss :

AUDITOR'S OFFICE, *Le Sueur, April 12, 1875*

I hereby certify that the foregoing is a true and correct copy of original on file in my office.

[SEAL.]

JOHN KINSEY,
County Auditor, Le Sueur County, Minnesota

EXHIBIT E.—*Poll-list for Cleveland Township, Le Sueur County, State of Minnesota.*

List of qualified electors in the election-district composed of the township of Cleveland, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was two hundred and thirty (230.)

Certified by us—

WM. VAN ANTWERP
JACOB WILFERT.
WILLIAM CASEY,
Judges of Election

Attest :

S. L. NICHOLS.

A. C. SMITH.

Clerks of Election.

- | | |
|-------------------------|----------------------|
| 1 A. G. Perkins | 18 Mike Bluhm |
| 2 Freeman Talbot | 19 W. A. Flowers |
| 3 Joseph Finn | 20 Z. M. Flowers |
| 4 J. S. Tooker | 21 Chas. A. Morrison |
| 5 Wm. Hurst, sr. | 22 B. R. Morrison |
| 6 Wm. Hurst, jr. | 23 Burton Richardson |
| 7 John T. Hurst | 24 Washington Muzzy |
| 8 Chas. J. Woodyard | 25 John Harriman |
| 9 Bernard Brady | 26 Jasper Loomis |
| 10 Henry Woodyard | 27 Patrick O'Brien |
| 11 Chas. Wendelschaffer | 28 John Robinson |
| 12 Geo. A. Flowers | 29 Nicholas Epmire |
| 13 Allen Singleton | 30 A. Tucker |
| 14 Charles Block | 31 Andrew Ritz |
| 15 Jacob Sapp | 32 H. W. Halleck |
| 16 O. H. Crawford | 33 N. B. Lampman |
| 17 Peter Lockmasher | 34 W. R. Smith |

- | | |
|--------------------------|-------------------------|
| 35 Hiram R. Smith | 90 Fred. Block |
| 36 William Forsyth | 91 John Kramer |
| 37 M. L. Hemmingway | 92 Herod Root |
| 38 William Miller | 93 Benj. Metcalf |
| 39 Wm. F. Johnson | 94 John Dickey |
| 40 J. H. Edwards | 95 Nicholas Weber |
| 41 Henry Hill | 96 W. H. Hall |
| 42 Wm. Hamter | 97 Wm. Casey |
| 43 Hiram Meeker | 98 B. W. Harriman |
| 44 John McDonald | 99 Christian Stingle |
| 45 John Morris | 100 Alfred Mohler, sr. |
| 46 Andrew Abar | 101 Louis Timm |
| 47 John Bohlen | 102 — Coppleman |
| 48 Martin Bohlen | 103 Joseph Schlee |
| 49 Hiram Johnson | 104 Isaiah Wakefield |
| 50 L. D. Rardon | 105 Joseph Bollman |
| 51 Lucius Thayer | 106 Magnus Fisher |
| 52 D. N. Thayer | 107 George Bluhm |
| 53 M. McKenzie | 108 Wm. Van Antwerp |
| 54 Willard Thayer | 109 Jacob Wilfert |
| 55 William Helman | 110 John Botdorf |
| 56 John J. Ohler | 111 Chas. F. Rhodes |
| 57 S. R. Goldsmith | 112 Thomas McCabe, sr. |
| 58 Owen Goldsmith | 113 Thomas Haley |
| 59 Owen Davis | 114 Luke Keough |
| 60 J. H. Rhodes | 115 E. A. Wright |
| 61 John Halleck | 116 A. C. Smith |
| 62 B. F. Elwood | 117 S. L. Nichols |
| 63 Wm. Forsythe, sr. | 118 Walter Mathews |
| 64 Thomas McCabe, jr. | 119 Geo. Rice |
| 65 J. Rairdon | 120 R. C. Dawson |
| 66 A. D. Thash | 121 Patrick Haley |
| 67 Homer F. Halleck | 122 Myrinus Loomis |
| 68 Max Hartegger | 123 S. A. Nichols |
| 69 D. Dugan | 124 Wm. Lancaster |
| 70 P. Dugan | 125 R. P. Smith |
| 71 Anton Stotz | 126 J. C. Montgomery |
| 72 Wm. Cashin | 127 Robert Bremsche |
| 73 Michael Gleason | 128 William Deafenbaugh |
| 74 Nelson Goldsmith, sr. | 129 John Bremsche |
| 75 Joseph Penwick | 130 Wm. Reynolds |
| 76 Fritz Bierstoff | 131 H. C. Smith |
| 77 Albert McAhrn | 132 Chas. Lethe |
| 78 Michael Schorb | 133 Joseph Pufpaff |
| 79 Michael Schorb | 134 Wm. Pufpaff |
| 80 John Schrudel | 135 John Dewire |
| 81 George Simpson | 136 Fred. Hardt |
| 82 Frank Everett | 137 Patrick McCabe |
| 83 James Haley | 138 T. P. Brown |
| 84 Marx Schorb | 139 John Murray |
| 85 Patrick Hoy | 140 Thos. B. Herbson |
| 86 Fred. Wormende | 141 Wm. Hardt |
| 87 John Peach | 142 Alex. Montgomery |
| 88 John Gloss | 143 A. J. Brooke |
| 89 J. C. Everett | 144 H. Van Vleet, jr. |

- | | |
|---------------------------|--------------------------|
| 145 H. Van Vleet, sr. | • 188 Adam Van Alstine |
| 146 Henry Lowry | 189 Patrick McCourt |
| 147 Henry Rinkle | 190 George Flowers |
| 148 Joseph Harrier | 191 John Diller |
| 149 W. C. Bates | 192 Thos. Davis |
| 150 James McCourt | 193 Thos. Dewire |
| 151 Lafayette Roote | 194 E. J. Seward |
| 152 George Rinkle | 195 Geo. L. Cheadle |
| 153 Cornelius Hessian | 196 James Baker |
| 154 L. J. Calvert | 197 Michael Finn |
| 155 J. L. Couch | 198 Thos. Haunegan |
| 156 B. Y. Couch | 199 Joseph Zeley |
| 157 Gotlieb Zinnus | 200 W. R. Jones |
| 158 Wm. Sebree | 201 O. P. Mahler |
| 159 Wm. Hessian | 202 John G. Jones |
| 160 James McCabe | 203 A. Reynolds |
| 161 J. R. Whipple | 204 W. P. Brown |
| 162 Nelson Goldsmith, jr. | 205 Frederick Zimmermann |
| 163 Henry Moss | 206 Henry Zimmermann |
| 164 J. T. Goldsmith | 207 Joseph Weisenreither |
| 165 C. R. Edsall | 208 Evan Davis |
| 166 Thomas Roache | 209 W. H. Adams |
| 167 Thomas McCourt | 210 L. C. Harold |
| 168 Patrick Gribbin | 211 Barnabas Welton |
| 169 F. S. Wilson | 212 Hiram Baker |
| 170 Adam Wright | 213 Geo. P. Stanley |
| 171 Timothy Donahue | 214 Geo. J. Virtue |
| 172 Wilson Knipe | 215 Barney Canfield |
| 173 Andrew Thorson | 216 W. T. Applegate |
| 174 Ole Thorson | 217 Patrick McCabe |
| 175 W. T. Jones | 218 Milton S. Chendle |
| 176 William Wilson | 219 J. W. Chambers |
| 177 William Forsythe, jr. | 220 P. J. Brady |
| 178 Lawson Hill | 221 Peter McCabe |
| 179 John Hooper | 222 O. C. Conway |
| 180 Clinton Hurst | 223 Isaac Felton |
| 181 Bernard McCourt | 224 Henrich Henderschied |
| 182 Ancil Perkins | 225 Joseph Davis |
| 183 Thos. Ferrier | 226 Christian Vollsoner |
| 184 John Schmidt | 227 John Melloy |
| 185 J. H. Schmidt | 228 Dennis Finn |
| 186 Michael Murphy | 229 Michael Brown |
| 187 R. G. Jones | 230 S. K. Cheadle |

STATE OF MINNESOTA,

Le Sueur County, ss :

I, Wm. Van Antwerp, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

WM. VAN ANTWERP.

Sworn and subscribed before me this 3d day of November, 1874.

S. L. NICHOLS,
Town Clerk.

STATE OF MINNESOTA,
Le Sueur County, ss :

I, Wm. Casey, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

WM. CASEY.

Sworn and subscribed before me this 3d day of November, 1874.

S. L. NICHOLS,
Town Clerk.

STATE OF MINNESOTA,
Le Sueur Cuntty, ss :

I, Jacob Wilfert, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

JACOB WILFERT.

Sworn and subscribed before me this 3d day of November, 1874.

S. L. NICHOLS,
Town Clerk.

STATE OF MINNESOTA,
Le Sueur County, ss :

I, A. C. Smith, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

A. C. SMITH.

Sworn and subscribed before me this 3d day of November, 1874.

S. L. NICHOLS,
Town Clerk.

STATE OF MINNESOTA,
Le Sueur County, ss :

I, S. L. Nichols, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

S. L. NICHOLS.

Sworn and subscribed before me this 3d day of November, 1874.

WM. VAN ANTWERP,
Chairman of Supervisors.

STATE OF MINNESOTA,
County of Le Sueur, ss :

AUDITOR'S OFFICE, *Le Sueur, April 12, 1875.*

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.

[SEAL.]

JOHN KINSEY,
County Auditor, Le Sueur County, Minnesota.

EXHIBIT F.—*Poll-list for Cordova Township, Le Sueur County, State of Minnesota.*

List of qualified electors in the election-district composed of the township of Cordova, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was one hundred and forty-seven, (147.)

Certified by us—

THOMAS LEASURE,
JOHN MCNEILL,
JOHN DILLON,
Judges of Election.

Attest:

C. F. SMITH,
L. G. CHAPMAN,
Clerks of Election.

Poll-list.

1 Asmus, F. H. x	34 Dennett, Samuel x
2 Asmus, Charles	35 Denet, R. E. x
3 Ash, John x	36 Daily, John x
4 Ash, James x	37 Daily, Young x
5 Brady, James	38 Daily, Wm. x
6 Brady, Daniel x	39 Daily, Peter x
7 Bossout, J. L. x	40 Errickson, John x
8 Bossout, G. P.	41 Ellingsworth, Samuel
9	42 Fithen, Robert x
10 Burgess, Nathaniel x	43 Gibbons, John x
11 Burgess, William x	44 Gibbins, James x
12 Bowen, J. A. x	45 Granger, Wm, x
13 Bates, Rueben x	46 Granger, H. T. x
14 Brown, G. W. x	47 Groff, John
15 Bennett, Henry W. x	48 Geyer, Frederick
16 Billingsby, H. G. x	49 Green, James x
17 Buckley, Patrick x	50 Gish, W. H. x
18 Bradley, C. O. x	51 Gloss, John
19 Coughlin, Peter x	52 Gadway, O. x
20 Coughlin, Chas.	53 Green, Wm. P. x
21 Coughlin, Nathaniel x	54 Hess, A. x
22 Cummings, Michael x	55 Harding, C. W. x
23 Courtwright, J. M. x	56 Harding, Sherman A. x
24 Crook J. A. x	57 Hess, A. J. x
25 Cassion, James x	58 Hunt, Owen x
26 Chapel, Edward	59 Hunt, Patrick x
27 Cowrath, Philip x	60 Hunt, Michael x
28 Cunningham, J. x	61 Hunt, James x
29 Conant, A. B. x	62 Hodgskins, W. W. x
30 Chapman, L. G. x	63 Hodgkins, William x
31 Crook, Whitmore x	64 Hartson, H. H. x
32 Conant, Robert x	65 Hughes, B C x
33 Dillon, John x	66 Henderson, R. H. x

67 Haase, August	x	113 Plummer, John	x
68 Hogle, O. K.	x	114 Pierce, Martin	x
69 Haukins, Williams	x	115 Preston, E.	
70 Jackson, A.	x	116 Preston, John	x
71 Jones, W. H.	x	117 Preston, Elmore	x
72 Jacket, Henry	x	118 Plowman, Henry	x
73 Jackson, O. A.	x	119 Pelter, Chas.	x
74 Kilborn, G. A.	x	120 Parker, George	x
75 Kelly, Patrick	x	121 Parker, Frank	x
76 Kendall, Aaron	x	122 Pebble, A. W.	x
77 Kendall, S. A.	x	123 Rudel, Michael	x
78 Kendall, M. S.	x	124 Radigan, John	x
79 Kendall, Royal	x	125 Row, Mathias	x
80 Keough, Michael, 1st	x	126 Rohlfing, J.	
81 Keough, Michael, 2nd	x	127 Roberts, John A.	x
82 Keough, Luke	x	128 Richardson, Henry	x
83 Kobler, George	x	129 Ranson, F.	x
84 Kluntz, Theobald	x	130 Siebert, Henry	x
85 Kriegher, Henry	x	131 Sheffert, F.	x
86 Keough, Michael, 3d	x	132 Somes, Joseph	x
87 Kernan, Daniel	x	133 Stanely, P. M.	x
88 Liescher, Edmond		134 Sutton, A. L.	x
89 Lucas, Adam	x	135 Smith, C. F.	x
90 Leasure, Thos.	x	136 Simonds, John	x
91 Maddar, D.	x	137 Somes, Daniels	
92 Moore, H.	x	138 Swope, Rufus L.	x
93 Morrison, James, jr.	x	139 Thur, John	x
94 Morrison, James, sr	x	140 Thayer, Wm.	x
95 Morrison, John	x	141 Tech, Ludwick	x
96 Morrison, Robert	x	142 Umphrey, L. B.	x
97 Maher, James	x	143 Umphrey, W. H.	x
98 McNeill, John	x	144 Unger, W. F.	x
99 McKonkey, Wm	x	145 Vail, Allen S.	x
100 Maase, Christian	x	146 Vath, F.	x
101 McMullen, James	x	147 Vath, Chas.	x
102 McMullen, Wm., jr.	x	148 Vath, John	x
103 McMullen, John	x	149 Van Blasicom, Wm.	x
104 McMullen, Wm., sr.	x	150 Wenzel, Joseph	x
105 Mills, Alex.	x	152 Wilson, Perry	x
106 McCauley, Daniel	x	153 Wagner, John	x
107 McGee, Chas.	x	154 Wallace, Daniel	x
108 McGrath, John	x	155 Wynn, William	x
109 Meyers, Cornelius	x	156 Watkins, J. R.	x
110 Norris, Walter	x	157 Walter, A. W.	x
111 O'Meara, James	x	158 Zuberbier, A. W.	x
112 O'Meara, Thos	x	159 Zrebeck, Chas.	x

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Thomas Leasure, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

THOMAS LEASURE.

Sworn and subscribed before me this 3d day of November, 1874.

A. L. SUTTON,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, John McNeil, do solemnly swear that I will perform the duties judge of this election, according to law and the best of my ability ; a that I will studiously endeavor to prevent fraud, deceit, and abuse conducting the same : so help me God.

JOHN McNEIL.

Sworn and subscribed before me this 3d day of 187 .

A. L. SUTTON,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, John Dillon, do solmenly swear that I will perform the duties judge of this election, according to law and the best of my ability ; a that I will studiously endeavor to prevent fraud, deceit, and abuse conducting the same : so help me God.

JOHN DILLON.

Sworn and subscribed before me this 3d day of November, 1874.

A. L. SUTTON,
Justice of the Peace

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, C. F. Smith, do solemnly swear that I will perform the duties clerk of this election, according to law and the best of my ability ; a that I will studiously endeavor to prevent fraud, deceit, and abuse conducting the same : so help me God.

C. F. SMITH

Sworn and subscribed before me this 3d day of November, 1874.

A. L. SUTTON,
Justice of the Peace

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, L. G. Chapman, do solemnly swear that I will perform the duties clerk of this election, according to law and the best of my ability ; a that I will studiously endeavor to prevent fraud, deceit, and abuse conducting the same : so help me God.

L. G. CHAPMAN

Sworn and subscribed before me this 3d day of November, 1874.

A. L. SUTTON,
Justice of the Peace

STATE OF MINNESOTA, *County of Le Sueur*, ss :

AUDITOR'S OFFICE, LE SUEUR, MINN.,

April 12, 1875

I hereby certify that the foregoing is a true and correct copy of 1 original on file in my office.

[SEAL.]

JOHN KINSEY,
County Auditor Le Sueur County, Minnesota

EXHIBIT G.—Poll-list for Kilkenny Township, Le Sueur County, State of Minnesota.

List of qualified electors in the election-district composed of the township of Kilkenny, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was one hundred and twenty-eight, (128.)

Certified to by us:

**PETER CROSBY,
JOSEPH SMITH,
MICHAEL FOGARTY,**
Judges of Election.

Attest:

**OWEN TRAINOR,
LEWIS DOYLE,**
Clerks of Election.

William Gale	36 Charles Scevick
C. M. Brown	37 Gotlieb Leibing
Lord Brown	38 Owen Farnan
Dennis Butler	39 B. B. Wright
Philip White	40 Richard Hays
Patrick McDermott	41 Owen Byrne
Peter Crosby	42 Lewis Doyle
Leonard Kritzer	43 John Dynes
Peter Brannen	44 Caleb Brock
A. R. Eckert	45 John A. Knapp
Thomas Purcell	46 Jacob Scherer
Benjamin Wright	47 Lewis Hallett
Michael Delahunty	48 Owen Crosby
George Lloyd	49 Patrick Kinneary
John Perkinson	50 Michael Dooley
Richard Brannau	51 Christian Kritzer
Isaac Eckert	52 John Weaver
W. W. Brown	53 Andrew Weaver
John Flood	54 Anthony Pittman
James Dowd	55 Henry Miller
Thomas W. Flood	56 James Dynes
Simon Daily	57 Patrick Murray
James Brock	58 Thomas Furlong
Lewis Lint	59 Edward Byrne
Michael Daily	60 John Byrne
Ernest Hering	61 Patrick Burke
James Higgins	62 James Frizel
Mathew Hughes	63 Christopher Lint
Joseph Smith	64 William Frizel
Dennis Moore	65 Thomas Casey
Peter McDermott	66 John McGrath
Patrick Fitzpatrick	67 John Cahill
John Vardeman	68 Nicholas Delahunty
James Crosby	69 James McGrath
Nicholas Nightingale	70 John Doyle

1 John H. Smith	100 Dennis Fitzpatrick
2 James Wilson	101 John Harris
3 Peter Cunningham	102 Michael Cooney
4 John Murray	103 Patrick Roache
5 James Burk	104 John Collins
6 Patrick Campbell	105 William Grier
7 Thomas Farnan	106 William Pohler
8 Michael Lavery	107 William Collins
9 Thomas Garrigan	108 James O'Grady
0 Garret Burns	109 William Carroll
1 John Nightingale	110 Michael Fogerty
2 Edward Howland	111 Daniel Walsh
3 Timothy Davern	112 Michael Crosby
4 Timothy Cooney	113 Patrick Cassidy
5 Thomas Cahill	114 Owen Trainor
6 Mathew Carroll	115 Peter Crosby
7 Patrick Downey	116 James Brannen, jr.
8 Andrew Brock	117 Patrick Haley
9 James Delahunty	118 Thomas O'Rielly
0 John O'Grady	119 James Butler
1 Martin Walsh	120 Patrick O'Rielly
2 Timothy Cronan	121 Thomas Collins
3 Philip Lawler	122 Dennis Doyle
4 Michael Sheehy	123 James Brannen
5 Michael Healy	124 John Walsh
6 Patrick Shortle	125 P. M. O'Grady
7 Michael Purcell	126 John O'Grady, sr.
8 Michael Kavenaugh	127 Peter Byrne
9 Joseph Pittman	128 Michael Dorau

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Peter Crosby, do solemnly swear that I will perform the
of judge of this election, according to law and the best of my al
and that I will studiously endeavor to prevent fraud, deceit, and
in conducting the same: so help me God.

PETER CROS

Sworn and subscribed before me this 3d day of November, 18

DENNIS DOYLE

Justice of the

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Joseph Smith, do solemnly swear that I will perform the
judge of this election, according to law and the best of my abi
that I will studiously endeavor to prevent fraud, deceit, and
conducting the same: so help me God.

JOSEPH S

Sworn and subscribed before me this 3d day of November,

DENNIS DOY

Justice of t

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Michael Fogarty, do solemnly swear that I will perfor
of clerk of this election, according to law and the best of

and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

MICHAEL FOGARTY.

Sworn and subscribed before me this 3d day of November, 1874.

DENNIS DOYLE,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, Owen Trainor, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

OWEN TRAINOR.

Sworn and subscribed before me this 3d day of November, 1874.

DENNIS DOYLE,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, Lewis Doyle, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

LEWIS DOYLE.

Sworn and subscribed before me this 3d day of November, 1874.

DENNIS DOYLE,
Justice of the Peace.

STATE OF MINNESOTA, *County of Le Sueur, ss :*

AUDITOR'S OFFICE, *Le Sueur, April 12, 1875.*

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.

[SEAL.]

JOHN KINSEY,
County Auditor Le Sueur County, Minnesota.

EXHIBIT H.—*Poll-list for Montgomery Township, Le Sueur County, State of Minnesota.*

List of qualified electors in the election-district composed of the town of Montgomery, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following named persons who were present and voting at the above-named election was one hundred and fifty,
(150.)

Certified by us:

MICHAEL KENNEDY,
JOHN FACTOR,
ALBERT LOULA,
Judges of Election.

Attest:

CHARLES RICHTER,
E. A. KAUFFER,
Clerks of Election.

Poll-list.

- | | |
|---------------------------|--------------------------|
| 1 Frank Turpen | 55 John Hanser |
| 2 John Maxa | 56 Joseph Kuzel |
| 3 James Kottek | 57 Frank Morasoka |
| 4 John Factor | 58 Matth. Brohuska |
| 5 Joseph Matsckka | 59 Albert Letina |
| 6 Jacob Moravek | 60 Mathias Brobuska, jr. |
| 7 John Zelmka | 61 John Wondra |
| 8 Amabel Turpan | 62 Andreas Krahrl |
| 9 James Chalupa | 63 Thomas McGinesy |
| 10 Michael Kukacka | 64 James McNelly |
| 11 John Kukaschka | 65 Frank Washa |
| 12 V. J. Brockway | 66 Joseph Marek |
| 13 Joseph Turpen | 67 Charles Pfeifer |
| 14 Thomas Mack | 68 John Stanek |
| 15 Joseph Mack | 69 Frank Becker |
| 16 Martin Factor | 70 John Setka |
| 17 Michael Wondra | 71 James Setka |
| 18 Jacob Wesely | 72 John Budarch |
| 19 Christian Becker | 73 James Vickla |
| 20 Joseph Buten | 74 Timm Sullivan |
| 21 John Tis | 75 James McKenny |
| 22 Frank Brabetz | 76 Mathias Ryan |
| 23 Jesse Brockway | 77 John Sullivan |
| 24 Thomas Setka | 78 Patrick Sheehan |
| 25 Albert Hospotasoky | 79 Michael Sweeney |
| 26 Thomas Ryan | 80 Frank Wondra |
| 27 Mathias Kukashka | 81 Christopher Richter |
| 28 John Novotney | 82 James Wandrin |
| 29 Joseph Flicek | 83 Frederick Bauer |
| 30 Joseph David | 84 Jacob Wondra |
| 31 Emery Turpen | 85 Edward McPhillips |
| 32 James Peterka | 86 Veit Jelinek |
| 33 Anton Scheisy | 87 Michael Cebek |
| 34 Mathias Mach | 88 August Richter |
| 35 Daniel Moriarity | 89 Frank Sladek |
| 36 James Harlicek | 90 Thomas Balan |
| 37 John Moriarity | 91 Michael Mahoney |
| 38 Michael Moriarty | 92 Timm Moriarty |
| 39 Thomas Kaisenschat | 93 Charles Methers |
| 40 Mathias Motry | 94 Charles Lehman |
| 41 Wolfgang Shleiss | 95 John McShaue |
| 42 John Nenetz | 96 Frank Wacлавosfeky |
| 43 Veit Maresh | 97 John Wondra |
| 44 Joseph Ganurtka | 98 Frank Hernska |
| 45 Jacob Nistabal | 99 Frank Seifert |
| 46 Patrick Moriarity | 100 Patrick Loftis |
| 47 Martin Pech | 101 Patrick Mowen |
| 48 Albert Dolershy | 102 Daniel Bolan |
| 49 Patrick Moriarity, jr. | 103 Patrick Gannon |
| 50 Thomas Devine | 104 August Eisert |
| 51 James Wanek | 105 Christopher Lehman |
| 52 Frank David | 106 Daniel Sullivan |
| 53 Thomas Morushka | 107 John Setka |
| 54 Frank Lorenz | 108 Jim F. Setka |

109 Charles Richter	130 Lawrence Ryan
110 Thomas Brabetz	131 Benedict Barry
111 Gottlieb Wendochuk	132 John Sheehan
112 Jacob Moudry	133 Patrick Coughlin
113 John Chasin	134 Michael Gannon
114 William Jung	135 Richard Maloney
115 James Novotney	136 John Leo
116 Michael Kennedy	137 John Sheehan
117 Adolph Kauffer	138 John Luftis
118 James Furlong	139 John French
119 Albert Loulla	140 Jacob Humber
120 Charles Jung	141 Henry Pfeifer
121 William French	142 Carl Wolf
122 Henry Westeman	143 John Coughlin
123 Patrick McKenna	144 James McCarthy
124 John Edger	145 Peter Sheehan
125 Herman Richter	146 Albert Schleiss
126 Michael Sheehan	147 Frank David
127 Frangott Richter	148 Jacob David
128 Carl Anget	149 James Michigan
129 John McCarthy	150 Ferdinand Gigerich

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Michael Kennedy, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

MICHAEL KENNEDY.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES MCCARTHY,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, John Factor, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JOHN FACTOR.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES MCCARTHY,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Albert Loula, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

ALBERT LOULA.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES MCCARTHY,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Charles Richter, do solemnly swear that I will perform the duties

of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

CHARLES RICHTER.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES MCCARTHY,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, E. A. Kauffer, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

E. A. KAUFFER.

Sworn and subscribed before me this 31 day of November, 1874.

JAMES MCCARTHY,
Justice of the Peace.

STATE OF MINNESOTA, *County of Le Sueur, ss :*

AUDITOR'S OFFICE, LE SUEUR, *April 12, 1875.*

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.

JOHN KINSEY,
County Auditor, Le Sueur County, Minnesota.

EXHIBIT I.—*Poll-list for Derrynane Township, Le Sueur County, State of Minnesota.*

List of qualified electors in the election-district composed of the town of Derrynane, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election, was one hundred and thirty-three, (133.)

Certified by us :

FREDERICK HEILAND,
DENNIS CONWAY,
PATRICK RONAYNE,
Judges of Election.

Attest :

JOHN G. O'CONNELL.
RICHARD O'CONNELL.
Clerks of Election.

•*Poll-list.*

- | | |
|----------------------|----------------------|
| 1 Jerry Shea. | 8 Wenzel Hunse, sen. |
| 2 Charles Zinke. | 9 Joseph Hunse. |
| 3 John H. Sputgens. | 10 Peter Klinkhammer |
| 4 John Renges. | 11 John Drienen. |
| 5 James Kilduff. | 12 John Holtzky. |
| 6 John Clifford. | 13 James Clark. |
| 7 Wenzel Hunse, jun. | 14 Perry Bateman. |

- | | |
|---------------------------|--------------------------|
| 15 Dennis O'Neill. | 71 John Bortle, jr. |
| 16 James Hickey. | 72 Michael Malony. |
| 17 Daniel Fowler. | 73 William Meyer |
| 18 Thomas Brown. | 74 John Merget |
| 19 Timothy Buckley. | 75 August Ganze |
| 20 Thomas Clifford. | 76 John Borthel, sr. |
| 21 Richard O'Connell. | 77 John Donavan |
| 22 Dennis Conway. | 78 John Meyer |
| 23 Maurice Donahue. | 79 Cornelius Carney |
| 24 Patrick Sheehan. | 80 Timothy Carney |
| 25 Maurice Brown. | 81 Michael McCarty |
| 26 Cornelius Reardon. | 82 Daniel Sullivan, jr. |
| 27 Patrick Duggan. | 83 John McCourtney |
| 28 Timothy Nolan. | 84 Mathias Jetten |
| 29 Robert Spence. | 85 Thomas Kelly |
| 30 Mortimer Donaher, sen. | 86 Ferdinand Schonderaf |
| 31 Mathias Hauer. | 87 William Sharkey |
| 32 Nicholas Phifer. | 88 John Sharkey |
| 33 Daniel Murphy. | 89 James Sullivan |
| 34 Thomas Colgan. | 90 John Halloran |
| 35 John Glin. | 91 Thomas Lynes |
| 36 John McCortney. | 92 Michael Spatgens |
| 37 Philip Huber. | 93 Michael Griffin |
| 38 John Fowler. | 94 Thomas Duffey |
| 39 John Merry. | 95 Thomas Phalon |
| 40 James Waleu. | 96 James Phalon |
| 41 Frank Bindzik. | 97 Daniel Sullivan |
| 42 Patrick Pendergast. | 98 John Shaughnessy |
| 43 Michael Connelly. | 99 John Phalon |
| 44 Jeremiah Griffin. | 100 Patrick Divane |
| 45 Martin Murphy. | 101 Albert Frost |
| 46 John Donohue. | 102 Jacob Barten |
| 47 Patrick Sullivan. | 103 Godfried Widmer |
| 48 Gaylard Bateman. | 104 Patrick Murphy |
| 49 Valentine Lantz. | 105 Henry Sekents |
| 50 John Dyer. | 106 Joseph Spatgens |
| 51 Martin Gannon. | 107 Maurice Murphy |
| 52 Christian Menko. | 108 Mathias Malacek |
| 53 August Denzer. | 109 Nicholas Haner |
| 54 Charles Dalke. | 110 Thomas H. Murphy |
| 55 John Burmick. | 111 John Nolan |
| 56 John Unson. | 112 Herman Myers |
| 57 William Unson. | 113 William Myers |
| 58 Henry Myer, sen. | 114 Theodore Starkey |
| 59 James Connelly. | 115 Timothy Shea |
| 60 Peter Hoey. | 116 Michael O'Connell |
| 61 Michael McCurtney. | 117 Jeremiah Sullivan |
| 62 Timothy Sullivan. | 118 Joseph Klinkhammer |
| 63 John Shea. | 119 James Fay |
| 64 Thomas Pendergast. | 120 Peter Joseph Schmitz |
| 65 John McAuliffe. | 121 Benedict Frost |
| 66 Patrick McCourtney. | 122 Anton Reneberg |
| 67 Patrick Casin. | 123 John Odenal |
| 68 Edward Casin. | 124 Michael Reneberg |
| 69 James O'Leary. | 125 Owen Cullen |
| 70 Dennis Connelly. | 126 Dennis Reen |

127 Joseph Spekerts
 128 Bernard Hary
 129 Cornelius Sullivan
 130 Patrick Ronayne

131 Moses Murphy
 132 John G. O'Connell
 133 Frederick Heiland

STATE OF MINNESOTA,

Derrynane Town, Le Sueur County, ss :

I, Frederick Heiland, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and all in conducting the same: so help me God.

FREDERICK HEILAND

Sworn and subscribed before me this 3d day of November, 1874.

RICHARD O'CONNELL,
Justice of the Peace

STATE OF MINNESOTA,

Derrynane Town, Le Sueur County, ss :

I, Patrick Ronayne, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and all in conducting the same: so help me God.

PATRICK RONAYNE

Sworn and subscribed before me this 3d day of November, 1874,

RICHARD O'CONNELL,
Justice of the Peace

STATE OF MINNESOTA,

Derrynane Town, Le Sueur County, ss :

I, Dennis Conway, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and all in conducting the same: so help me God.

DENNIS CONWAY

Sworn and subscribed before me this 3d day of November, 1874.

RICHARD O'CONNELL,
Justice of the Peace

STATE OF MINNESOTA,

Derrynane Town, Le Sueur County, ss :

I, John G. O'Connell, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability and that I will studiously endeavor to prevent fraud, deceit, and all in conducting the same: so help me God.

JOHN G. O'CONNELL

Sworn and subscribed before me this 3d day of November, 1874.

RICHARD O'CONNELL,
Justice of the Peace

STATE OF MINNESOTA,

Derrynane Town, Le Sueur County, ss :

I, Richard O'Connell, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability

and that I will studiously endeavor to prevent fraud, deceit, and abuse in conducting the same: so help me God.

RICHARD O'CONNELL.

Town Clerk.

Sworn and subscribed before me this 3d day of November, 1874.

JOHN G. O'CONNELL.

STATE OF MINNESOTA, *County of Le Sueur, ss:*

AUDITOR'S OFFICE, LE SUEUR, MINNESOTA,

April 12, 1875.

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.

[SEAL.]

JOHN KINSEY,

County Auditor, Le Sueur County, Minnesota.

EXHIBIT J.—*Poll-list for Tyrone Township, Le Sueur County, State of Minnesota.*

List of qualified electors in the election-district composed of the township of Tyrone, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district on the third day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was one hundred and seventy-eight, (178.)

Certified by us:

JOHN THORNTON,
JOHN DAWN,
JAMES MALONEY,
Judges of Election.

Attest:

JAMES O'DONNELL,
WILLIAM O'DONNELL,
Clerks of Election.

Poll-list.

1 August Donmer
2 John Unfried
3 Fredrick Maultz
4 Henry Maltz
5 James O'Donnell
6 August Delser
7 Godlet Kapp
8 John Olsen
9 Peter Schmitz
10 Jacob Zimmerman
11 John Lepkee
12 Ernest Miller
13 John Fitzcharold
14 John Miller

15 Wm. Teas
16 Fred. Denzer
17 Wm. O'Donnell
18 Godlet Totts
19 Gechew Iacheczter
20 Frank Chinska
21 Thomas Monarthy
22 Wm. Weyle
23 William Hohn
24 Ludwig Yankee
25 Godlet Down
26 John Down
27 Fred. Tesendolph
28 Christ Haun

29 Edward Crosby
 30 Carl Ametle
 31 James Maloney
 32 J. W. Brown
 33 Herman Rebie
 34 Wm. Rebie
 35 John Dourm
 36 John Thornton
 37 Charles Rush
 38 Hugh Daly
 39 Frederick Greesback
 40 Maurice Moriarty
 41 Nicholas Youst
 42 Andrew Harrisberg
 43 Joachim Wilty
 44 Patrick Doherty
 45 August Blank
 46 Charles Blank
 47 Frederick Bitkus
 48 Lewis Winterfeldt
 49 Henry Mallman
 50 Charles Timons
 51 Charles Skantz
 52 Charles Teafs
 53 Wm. Hogan
 54 James McCabe
 55 Michael Lynch
 56 Charles Greesback
 57 Wm. Aunts
 58 Albert Labts
 59 Frederick Shultz
 60 Fred. Carlow
 61 Patrick Moran
 62 Dennis Gorman
 63 Wm. Winterfelt
 64 Godlet Gabbert
 65 August Gabert
 66 Samuel Gabbert
 67 Abraham Dohl
 68 Conrad Catzeumier
 69 John Lebre
 70 Peter Gust
 71 Gollieb Grantz
 72 Michael O'Donnell
 73 Fred. Learry
 74 Wm. Oldenborg
 75 Michael Foley
 76 C. Norton
 77 R. Dorom
 78 T. Fleming
 79 F. Puttrats
 80 E. Brown
 81 C. Redman
 82 A. Waller
 83 John Drine
 84 Henry Attofer

85 C. Skelly
 86 F. Speder
 87 J. Brashe
 88 F. Almich
 89 G. Paul
 90 P. Ryan
 91 W. Wey
 92 J. Priggle
 93 P. Paul
 94 F. McGovern
 95 T. Thehhoisour
 96 F. J. Logan
 97 J. Gancer
 98 J. Gancer
 99 M. Smith
 100 M. Hetherstone
 101 R. Wackbe
 102 M. Fleming
 103 E. Winkleman
 104 C. Ronen
 105 C. Ronen
 106 W. Hamithoune
 107 J. Bouis
 108 Geo. Paul
 109 Owen Riley
 110 James Golden
 111 Otto Eig
 112 John Dresher
 113 Charles Olson
 114 Conrad May
 115 Able Bittle
 116 Thomas Skelly
 117 Patrick Hennessey
 118 Michael Skelly
 119 Patrick Lynch
 120 S. T. Richardson
 121 Henry Denzer
 122 Albert Arnett
 123 Peter Stauf
 124 Wm. McGuire
 125 John McGuire
 126 Sidney Tiebell
 127 Griffin Patrick
 128 Dennis Callahan
 129 Wm. Regan
 130 Daniel Burnus
 131 Cornelius Regan
 132 Michael Feeney
 133 Patrick Helo
 134 Timothy Downly
 135 Henry Stauf
 136 Charles Denzer
 137 Henry Blake
 138 Michael Murphy
 139 Michael Murray
 140 Patrick Barns

141 William Murray
 142 Charles Teppie
 143 D. Spence
 144 R. Foley
 145 James Helow
 146 W. Gorman
 147 Ab. Vancore
 148 John Daly
 149 M. Heden
 150 John Colehan
 151 P. Lynch
 152 L. Gregg
 153 James Ronen
 154 Daniel Doyle
 155 C. Effenger
 156 J. Doherty
 157 L. Skelly
 158 Hugh Doherty
 159 D. Strate

160 A. B. Count
 161 John Strable
 162 John Woods
 163 Henry Regan,
 164 Henry Snell
 165 William Suell
 166 Daniel Coleman
 167 Balt Coleman
 168 Edward Monahan
 169 Joseph Meyer
 170 Edward Denzer
 171 Christian Heostetter
 172 Semore Robinson
 173 Patt. Lynch
 174 John Coleman
 175 Dennis Skelly
 176 Robert Jeehe
 177 John Brant
 178 Hugh O'Neal

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, , do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JOHN THORNTON.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES O'DONNELL,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, John Thornton, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JAMES MALONEY.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES O'DONNELL,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, John Daun, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JOHN DAUN.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES O'DONNELL,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, William O'Donnell, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

WILLIAM O'DONNELL.

Sworn and subscribed before me this 3d day of November, 1874.

JAMES O'DONNELL,
Justice of the Peace.

STATE OF MINNESOTA, *Le Sueur County, ss :*

I, James O'Donnell, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability, and that I will studiously endeavor to prevent fraud, deceit, and perjury in conducting the same: so help me God.

JAMES O'DONNELL

Sworn and subscribed before me this 3d day of November, 1874

JAMES O'DONNELL

Justice of the Peace

OFFICE OF COUNTY AUDITOR,
Le Sueur, Minnesota, April 12

STATE OF MINNESOTA, *County of Le Sueur, ss :*

I hereby certify that the foregoing is a true and correct copy of the original on file in my office.

[SEAL.]

JOHN KINSEY

County Auditor Le Sueur County, Minn.

EXHIBIT K.—*Poll-list for Lexington Township, Le Sueur County, Minnesota.*

List of qualified electors in the election-district composed of the township of Lexington, in the county of Le Sueur, State of Minnesota, for an election to be held in the said election-district, on the 3d day of November, 1874.

The whole number of the following-named persons who went to the election and voting at the above-named election was one hundred and twelve, (112.)

Certified by us:

EDWIN PURRINGTON,
CHARLES KOETSCHMYE
JOSEPH BRADSHAW,
Judges of Election

Attest:

D. B. L. PURRINGTON,
EDWIN PURRINGTON,
Clerks of Election.

Poll-list.

- | | |
|----------------------|---------------------|
| 1 J. U. Chapman | 12 William Steward |
| 2 G. J. Earle | 13 E. B. Gibbs |
| 3 O. H. Chapman | 14 Judson Gibbs |
| 4 Mortimer Canfield | 15 J. W. Chapman |
| 5 George Van Buren | 16 Samuel Spratt |
| 6 William Mahood | 17 T. H. Smullen |
| 7 Talmage Casterline | 18 Didrich Pope |
| 8 E. R. Mahood | 19 William Spratt |
| 9 Alexander Mahood | 20 Michael Lucy |
| 10 Z. B. Chatfield | 21 George Jackson |
| 11 Martin Bendsick | 22 Lawrence Venosky |

23 Delos Hall	68 Joseph Swartz
24 John Soltaw	69 Samuel Carson
25 Joseph Wickham	70 B. F. Holmes
26 John Kavarick	71 Joseph Tumor
27 Michael Kavarick	72 B. F. Hurlburt
28 Shelby Hyas	73 George Siers
29 John Kavorick	74 Jacob Martin
30 Thomas Zelinka	76 Anson Mack
31 William Kendall	77 Adolph Erkel
32 J. Studnipa	78 R. L. Safford
33 Wels Hammerine	79 A. M. Robbins
34 John Brown	80 John Van Buren
35 John Simonette	81 J. G. Robbins
36 John Thurston	82 D. R. Robbins
37 John Pope	83 William Fickling, sr.
38 Peter Sauter	84 Chancy Holmes
39 P. R. Hiller	85 Charles Gibbs
40 Peter Schippman	86 D. B. L. Purrington
41 William Fickling, jr.	87 Henry Stoncall
42 Albert Abbott	88 John Maley
43 Patrick O'Brien	89 Patrick Dunn
44 John Wiskocie	90 Michael Murray
45 S. B. Fowler	91 Laviter Dickinson
46 Stanislaus Hintz	92 Wm. Bearrisford
47 Eli Jeacrik	93 F. M. Ireland
48 Herman Neunenberg	94 John Reihl
49 F. Stone	95 Almon White
50 Marks Bonholdt	96 Simon Stone
51 O. F. Huntley	97 B. F. Cottingham
52 Monroe Holmes	98 H. G. Gilman
53 Albert Tinner	99 Julius Spry
54 John Abbott	100 John Becker
55 Richard Kendall	101 Granville Hockeridge
56 Sampson Hobbay	102 Charley Kretschmer
57 Loren Nembs	103 Abram Chadderden
58 Joseph Pengra	104 H. T. Baxter
59 Eugene Murray	105 H. M. Brown
60 E. Purrington	106 Peter McLaughlin
61 H. Chadderden	107 Thomas Mardry
62 Israel Wickham	108 John Shindlar
63 Joseph Postel	109 Thomas Sires
64 August Traxler	110 Martin Skabick
65 Marion Gibbs	111 James Jamison
66 Joseph Bradshaw	112 Edward Erkel
67 John Bendsick	

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Edward Purrington, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

EDWIN PURRINGTON.

Sworn and subscribed before me this 3d day of November, 1874.

D. B. L. PURRINGTON,
Town Clerk.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Joseph Bradshaw, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

JOSEPH BRADSHAW.

Sworn and subscribed before me this 3d day of November, 1874.

D. B. L. PURRINGTON,
Town Clerk.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Charles Krotschmer, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

CHARLES KROTSCHMER,

Sworn and subscribed before me this 3d day of November, 1874.

D. B. L. PURRINGTON,
Town Clerk.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, D. B. L. Purrington, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

D. B. L. PURRINGTON.

Sworn and subscribed before me this 3d day of November, 1874.

G. J. EARLE,
Justice.

STATE OF MINNESOTA, *Le Sueur County*, ss :

I, Edwin Purrington, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

EDWIN PURRINGTON.

Sworn and subscribed before me this 3d day of November, 1874.

G. J. EARLE,
Justice.

STATE OF MINNESOTA, *County of Le Sueur*, ss :

AUDITOR'S OFFICE, *Le Sueur, Minnesota*, April 12, 1875.

I hereby certify that the foregoing is true and correct copy of the original in my office.

[SEAL.]

JOHN KINSEY,
County Auditor, Le Sueur County, Minnesota.

Certificate of notary.

In the matter of the contested election for a member of Congress from the second congressional district of the State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

STATE OF MINNESOTA,

County of Scott, ss :

I, D. A. Brown, city recorder of the city of Shakopee, in the county

and State aforesaid, and a notary public in and for said State, residing in said county of Scott, do hereby certify that the foregoing depositions and documentary evidence were taken before me on the 26th day of March, A. D. 1875, and said depositions were then and there written down by me, at the county auditor's office, in the borough of Le Sueur, in the county of Le Sueur, in said State, at the time and place mentioned in and in pursuance of the notice of the taking of the same hereto prefixed, and that both parties to said contest then and there appeared in person and by their attorneys, and took part in the examination of the witnesses who gave the foregoing evidence relating to said matter, and that said witnesses were duly sworn, and gave said evidence under oath, and that after such examination and such taking down in writing of said evidence, it (said evidence) was read to said witness and by him subscribed to, in my presence and in presence of both of the parties hereto. Dated March 27, A. D. 1875.

[SEAL.]

D. A. BROWN,
City Recorder of the City of Shakopee, and
a Notary Public, Scott County, Minnesota.

Protest of contestant to taking testimony.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

By agreement of parties, all objections on the part of the contestant to the hour of and day of hearing of this testimony is waived, and both the parties appear; and also by agreement the time for the calling of all witnesses to give such testimony is waived by the parties.

Contestant filed objections in writing, of which the following is a copy, to wit:

HENDERSON, March 26, 1875.

And now comes the contestant, E. St. Julien Cox, in his own proper person, and objects to the taking of the testimony of Christian Didra, or any other person or individuals, or taking any testimony under the notice of contestee, H. B. Strait, of date March 20, 1875, for the reason that the forty days allowed contestant to take his testimony has not expired or elapsed; the said contestant, E. St. Julien Cox, first having begun to take his testimony on the 23d day of February, 1875, since which commencement of taking testimony forty days have not elapsed; and,

Second. That the notice does not show or disclose whether the testimony sought is in addition to that attempted to be heretofore taken at Chaska, or the witness additional to the witnesses pretended heretofore to have been examined at Chaska aforesaid, in the county of Carver, of which notice was heretofore served upon contestant.

Third. The notice herein purporting to have been served on contestant does not disclose, state, or give the place of residence of said Christian Didra. Dated March 26, 1875.

E. ST. JULIEN COX,
Contestant.

Deposition of Christian Didra.

Whereupon CHRISTIAN DIDRA was called as a witness on the part of the contestee, and, after being duly sworn, testified as follows, to wit:

Question. Are you the county auditor of the county of Sibley, in the State of Minnesota; and, if so, how long have you been such?—Answer. I am, and have been since March 1, 1875.

Q. Have you in your possession as auditor all of the returns of the general election held November 3, 1874, in this county?—A. I have never received any others than these on the table. There might have been others, but I don't know.

Q. Whether or not have the books and papers of the auditor's office of this county ever been turned over to you?—A. The election-returns have never been turned over to me of the county.

Q. What papers are these that you have placed on the table here?—A. The returns of the general election of November 3, 1874.

Q. How came those papers in your possession if they were never turned over to you?—A. I found them in the desk of the auditor's office among other papers, which desk was turned over to me by the late county auditor, C. W. Hartman.

Q. Are there any other papers on file in the auditor's office or in the auditor's office that have been turned over to you relating to the general election held November 3, 1874?

(Objected to on ground of incompetency for the reason that it is not shown that witness has made any search or examination for any other papers.)

A. Not to my knowledge.

Q. Have you looked for any other papers relating to said election of 1874?—A. I have not.

(Contestee offered and introduced in evidence the poll-list and abstract, returns (of which copies are hereunto attached and marked "Exhibit A") of the town of Alfsborg, Sibley County, to show that Clark Walter, one of the judges of election, was not sworn; that John Inglebrecht, judge of election, was not sworn; that Herman Anderson, judge of election, was not sworn; that neither of the clerks of election were sworn; also to show that there was no registry poll-list used in said town, at said election.

Contestant objects to the poll-list and abstract being used as evidence that no registry poll-lists were used at that election, for the reason that it is incompetent testimony.

Also, contestee offered the abstract to show that there were cast at said election 24 votes for E. St. Julien Cox and 20 for H. B. Strait for Congressmen. Contestee then offered the poll-list and abstract returned from the town of Washington Lake of said election for the same reason and purposes as the foregoing was offered, except as to the number of votes cast for member of Congress, of which E. St. Julien Cox had 126 votes and H. B. Strait had 17.

Also poll-list and abstract of the town of Bismarck to show that there were no clerks of election, and that one of the judges of election swore himself. (Last point objected to as incompetent.) Also that such papers do not purport to have been used at any election whatever either as a poll-list or registry-list.

Poll-list and abstract of the town of Dryden, offered in evidence to show that neither the judges or clerks of election were sworn at said election; that E. St. Julien Cox received 90 and H. B. Strait 8 votes cast at said election; that there was no registry poll-lists used at said elec-

tion or returned to the county auditor. (The last part of the evidence relative to the registry poll-lists was objected to as incompetent evidence by contestant.)

It was here stipulated and agreed by both parties that the papers offered by the witness were the returns, and the whole thereof, received by him, of the election of November 3, 1874, from the several election-precincts mentioned in the witness's direct testimony, certified copies of which were to be and are hereto attached, and marked respectively Exhibits "A," "B," "C.")

Cross-examination under protest :

Q. Are the returns from the town of Bismarck on a printed blank or all written out?—A. They are all written out.

Q. Have you the original official canvass of this county, made by the board of canvassers of this county?—A. I have not, among the papers presented by me here to-day.

A. Have you searched among any other papers in your office for such abstract?—A. I have not.

Q. Can you tell, among any returns in your office, what was the vote on Congressman at the last election from the town of New Auburn?

(Objected to that there is no notice by either party in their complaint and answer in regard to the town of New Auburn.)

A. I have not.

Q. Have you in your office what purports to be an abstract of the votes cast in the various towns in this county?—A. Nothing but an abstract of the votes for judges of supreme court.

Q. How can you tell the returns from the town of New Auburn?

(Objected to by contestee on ground that no complaint is made by either party to that town.)

A. I know by the names of the persons signing the returns.

Q. What was the vote of New Auburn at the last election for member of Congress?

(Objected to as incompetent, immaterial, and no complaint made.)

A. Strait 71 votes, Cox 19 votes.

Q. Is there anything on that return to show from what town it comes from?—A. There is not.

Q. You say that the desk in which these papers were was turned over to you by the former county auditor. What do you mean by that?—A. He gave me the keys; he did not point out any papers, the ex-auditor.

(Contestant offers what purports to be the abstract of the returns of the town of New Auburn.

Objected to as incompetent, irrelevant, and immaterial, and because no complaint was made by either party as to the town of New Auburn.)

CHRIST. DIDRA.

Subscribed and sworn to before me March 26, 1875.

[SEAL.]

D. A. BROWN,

*City Recorder of the City of Shakopee, and
Notary Public Scott County, Minnesota.*

EXHIBIT A.—Poll-list for Alpsborg Township, Sibley County, State of Minnesota.

STATE OF MINNESOTA, Sibley County, ss :

I, Clark Walter, do solemnly swear that I will perform the duties of

judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

CLARK WALTER.

Sworn to and subscribed before me this 3d day of November, 1874.

ANDREW SWANSON,
Clerk of Election.

STATE OF MINNESOTA, *Sibley County, ss :*

I, John Engelbert, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JOHN ENGELBERT.

Sworn and subscribed before me this 3d day of November, 1874.

CLARK WALTER,
Judge of Election.

STATE OF MINNESOTA, *Sibley County, ss :*

I, Herman Anderson, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

HERMAN ANDERSON.

Sworn and subscribed before me this 3d day of November, 1874.

CLARK WALTER,
Judge of Election.

STATE OF MINNESOTA, *Sibley County, ss :*

I, Andrew Swanson, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

ANDREW SWANSON.

Sworn and subscribed before me this 3d day of November, 1874.

CLARK WALTER,
Judge of Election.

STATE OF MINNESOTA, *Sibley County, ss :*

I, John Boren, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

JOHN BOREN.

Sworn and subscribed before me, this 3d day of November, 1874.

CLARK WALTER.

List of qualified electors in the election-district composed of the township of Alfsborg, in the county of Sibley, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was forty-four (44.)

Certified by us :

CLARK WALTER,
JOHN ENGELBERT,
HARMAN ANDERSON,
Judges of Election.

Attest :

ANDREW SWANSON,
JOHN BOREN,
Clerks of Election.

1 Philip Mee	23 Peter Brown
2 C. G. Gergrer	24 Peter Olson
3 Peter Saudberg	25 Mans Swanson
4 H. Sederstram	26 Louis Sjoberg
5 P. B. Oleson	27 Chas. J. Auderson
6 Erick Berg	28 Erick Olson
7 S. P. Eld	29 Andrew Gustafson
8 C. W. Anderson	30 John Muller
9 C. A. Swanson	31 Jonas Olson
10 John Marschare	32 Peter Ten
11 Franc Hed	33 Swan Anderson
12 J. B. Hagberg	34 John Apelgreen
13 C. A. Berger	35 Andrew Lager
14 J. E. Bergren	36 John Erickson
15 John Landberg	37 C. J. Larson
16 Albert Anderson	38 Herman Anderson
17 O. F. Gabrielson	39 Nels. Boren
18 Aug. Moshare	40 Gustav Larson
19 Gustav Gustafson	41 Clark Walter
20 Louis Peterson	42 John Engelbert
21 John Sjsberg	43 Andrew Swanson
22 Nels. Daback	44 John Boren

Election-returns of Alfsborg.

STATE OF MINNESOTA, *Sibley County, ss :*

At an election held at the house of John Boren, in the election-district composed of the township of Alfsborg, in the county of Sibley, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names, for the following-named offices, to wit :

For chief justice of supreme court.—S. J. R. McMillen received forty-two (42) votes ; Wescott Wilken received two (2) votes.

For associate justice of supreme court.—F. R. Cornell received forty-two (42) votes ; Wm. Lochren received two (2) votes.

For member of Congress, second congressional district.—Horace B.

Strait received nineteen (19) votes; E. St. Julian Cox received twenty-five (25) votes.

For member of house of representative.—A. M. Schnell received twenty (20) votes; S. G. Anderson received twenty-four (24) votes.

For county auditor.—Christ. Didra received twenty (20) votes; Chas. Keller received twenty-four (24) votes.

For sheriff.—Pat Bray received thirty-one (31) votes; James P. Allison received thirteen (13) votes.

For register of deeds.—Wm. Carroll received forty-four (44) votes.

For coroner.—Murice Joyce received two (2) votes.

For county attorney.—S. Fowler received forty-three (43) votes; Wm. C. White received one (1) vote.

For removal of county seat thirty-three (33) votes; against removal of county seat four (4) votes.

Certified by us:

CLARK WALTER,
JOHN ENGELBERT,
HERMAN ANDERSON,
Judges of Election.

Attest:

JOHN BOREN,
ANDREW SWANSON,
Clerks of Election.

STATE OF MINNESOTA, *County of Sibley, ss:*

AUDITOR'S OFFICE.

I, Christ. Didra, auditor for the county of Sibley, in the State of Minnesota, do hereby certify that I have carefully compared the foregoing poll-list and election-returns of the town of Alfsborg, in said county, with the original on file in this office, and that the same are true and correct copies thereof.

Witness my hand and seal, at Henderson, this 5th day of April, A. D. 1875.

[SEAL.]

CHRIST. DIDRA,
Auditor Sibley County, Minnesota.

EXHIBIT B.—*Poll-list for Washington Lake Township, Sibley County, State of Minnesota.*

STATE OF MINNESOTA, *Sibley County, ss:*

I, Matthew Wilson, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

MATTHEW WILSON.

Sworn and subscribed before me, this 3d day of November 1874.

PATRICK HALLINAN,
Town Clerk.

STATE OF MINNESOTA, *Sibley County, ss:*

I, Anthony Cosgrove, do solemnly swear that I will perform the

duties of judge of this election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

ANTHONY COSGROVE.

Sworn and subscribed before me, this 3d day of November, 1874.

PATRICK HALLINAN,
Town Clerk.

STATE OF MINNESOTA, *Sibley County, ss :*

I, Simon Eustic, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

SIMON EUSTIC.

Sworn and subscribed before me this 3d day of November, 1874.

PATRICK HALLINAN,
Town Clerk.

STATE OF MINNESOTA, *Sibley County, ss :*

I, Patrick Egan, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

PATRICK EGAN.

Sworn and subscribed before me this 3d day of November, 1874.

PATRICK HALLINAN,
Town Clerk.

STATE OF MINNESOTA, *Sibley County, ss :*

I, Patrick Hallinan, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

PATRICK HALLINAN.

Sworn and subscribed before me this 3d day of November, 1874.

PATRICK HALLINAN,
Town Clerk.

List of qualified electors in the election-district composed of the town of Washington Lake, in the county of Sibley, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons, who were present and voting at the above-named election, was 143 votes.

Certified by us:

MATTHEW WILSON,
ANTHONY COSGROVE,
SIMON EUSTICE,
Judges of Election.

Attest:

PATRICK HALLINAN,
PATRICK EGAN.
Clerks of Election.

Poll-list.

- | | |
|---------------------|---------------------------|
| 1 Barny Theders | 55 Hichs. F. Gerald |
| 2 Patrick McCormick | 56 Mich'l Dunn |
| 3 John Malone | 57 Henry Scholman |
| 4 James McGovern | (See 64) |
| 5 John Martin | 58 John Comors |
| 6 Mich. Shaughnessy | 59 Mathew Koirgan |
| 7 John Dixon, jr. | 60 Patrick Keirnan |
| 8 John Dixon, sr. | 61 Chas. Dwane |
| 9 Mich'l Griffen | 62 John Manghen |
| 10 Phillip McGrann | 63 Daniel Lee |
| 11 Mich'l Bouvey | 64 Henry Scholman |
| 12 Pat. Egan | 65 Didra Klinnkin |
| 13 Hubert Meyer | 66 Heury Panuing |
| 14 Arthur Conoly | 67 Wm. Kluenskin |
| 15 John Mullin | 68 Wm. Engel |
| 16 James Hunt | 69 Henry Kluenskin |
| 17 John Mare | 70 John Ryan |
| 18 James Lee | 71 Patrick Ryan |
| 19 Peter Smith | 72 Patk. McMahon |
| 20 John Shaughnessy | 73 Mich'l Hogan |
| 21 Wm. Hughs | 74 Henry Klinskin |
| 22 Mich'l Walsh | 75 Thos. O'Neile |
| 23 Thos. Fox | 76 John Casey |
| 24 Anthony Cosgrove | 77 John Clotke |
| 25 Simon Curtis | 78 Wm. Cairucross |
| 26 Patrick Halliman | 79 John Smith |
| 27 Henry Meiner | 80 John Coghlan |
| 28 Patrick Kiernan | 81 John Cotter |
| 29 John Fahey | 82 Owen McDermott |
| 30 Andrew Shea | 83 Jno. Hogan (should be |
| 31 John McQuire | 84 Thomas McMahon |
| 32 Pat. Brasil | 85 Martin Cunningham |
| 33 Martin Lee | 86 Jno. Kiernan |
| 34 Thos. Walsh | 87 Cornelius Flaunery |
| 35 Dennis Currin | 88 Martin Curran |
| 36 Mich'l Fahey | 89 Pat. McQuire |
| 37 Nephture Lynch | 90 John Douovan |
| 38 Patrick Mawgan | 91 Dennis Hevin |
| 39 Wm. Smith | 92 Ed. Walsh |
| 40 Peter Doulan | 93 Mich'l Early |
| 41 John Dryhouse | 94 Ed. Reiley |
| 42 James Smith | 95 Pat. Murphy |
| 43 Frank McQuire | 96 Thom. Madden |
| 44 Pat. McGumness | 97 John Ryan |
| 45 Rudolph Trocken | 98 Hugh Carlan |
| 46 Rich. Smith | 99 Dennis Galvin |
| 47 James Toole | 100 Pat. Collins |
| 48 Domminick Toole | 101 Thom. Beau |
| 49 Thom. Toole | 102 Bernard McPartlin |
| 50 Martin O'Brien | 103 James Wirer |
| 51 Thimathy Beans | 104 Pat. Shaughnessy, jr. |
| 52 Henry Beneke | 105 Pat. Shaughnessy |
| 53 Peter Kroal | 106 Mich'l Mangan |
| 54 Ed. Boyle | 107 James Mullen |

108 James Walsh	126 Pat. Keefe
109 Hugh Mullen	127 Daniel Healy
110 Peter Lee	128 John Saults
111 Louis Winsell	129 Solmon Saults
112 John Mulcair	130 Thom. Healy
113 Timothy Collin	131 Tim. Calvin
114 Christian Peters	132 Matthew Wilson
115 James Murphy	133 Daniel Dixon
116 Mich'l Mulligan	134 John Blake
117 Mich'l Kegan (should be 109)	135 Thom. Blake
118 Pat. Mullen	136 James Wires
119 John McMahan	137 Mich'l McDonnell
120 C. Shaghnessy	138 James Clanchy
121 Henry Cassidy	139 Martin Shaghnessy
122 Mich'l Haugh	140 Thos. Bowser
123 Peter Cosgrove	141 Wm. Plice
124 Domminick Mueller	142 Pat. Dixon (No. 134 in original)
125 John Klimkin	143 Daniel Hallinan

Election-returns of Washington Lake.

STATE OF MINNESOTA, *County of Sibley, ss :*

At an election held at the school-house, district No. 27, in the election-district, composed of the town of Washington Lake, in the county of Sibley, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief-justice of the supreme court.—Wescot Wilken received one hundred and thirty-five (135) votes; J. R. McMillen received eight (8) votes.

For associate justice, supreme court.—William Lochren received one hundred and thirty-five (135) votes; F. R. E. Cornell received eight (8) votes.

For member of Congress.—E. St. J. Cox received one hundred and twenty-six (126) votes; Horace B. Strait received seventeen (17) votes.

For county auditor.—Chas. Keller received one hundred and twenty (120) votes; Christ. Didra received twenty-three (23) votes.

For sheriff.—Pat. Bray received one hundred and twenty-six (126) votes; James P. Allison received sixteen (16) votes.

For register of deeds.—William Carroll received one hundred and twenty-three (123) votes; Gotfried Papke received sixteen (16) votes.

For county attorney.—S. Fowler received forty (40) votes; W. C. White received one hundred and three (103) votes.

For coroner.—Maurice Joyce received fifty-two (52) votes.

For representative to the legislature.—Adam Buck received seven (7) votes; John Mullen received one hundred and twenty-nine (129) votes; John Groetsch received seven (7) votes.

For county commissioners.—Miles Slaven received seventy-seven (77) votes; Ed. Connelly received twenty-four (24) votes; William Caircross received twenty-eight (28) votes.

For removal of the county seat.—Eighteen (18) votes.

H. Mis. 55—10

Against removal of the county seat.—One hundred and twenty-six (126) votes.

Certified by us :

MATTHEW WILSON,
ANTHONY COSGROVE,
SIMON EUSTICE,
Judges of Election.

Attest:

PATRICK HALLINAN,
PATRICK EGAN,
Clerks of Election.

Certificate of county auditor.

STATE OF MINNESOTA, *County of Sibley, ss :*

AUDITOR'S OFFICE.

I, Christ. Didra, auditor of the county of Sibley, in the State of Minnesota, do hereby certify that I have carefully compared the foregoing poll-list and election-return of the town of Washington Lake, in said county, with the original on file in this office, and that the same are true and correct copies thereof.

Witness my hand and seal, at Henderson, this 5th day of April, A. D. 1875.

[SEAL.]

CHRIST. DIDRA,
Auditor, Sibley County, Minnesota.

EXHIBIT C.—*Poll-list of Bismark, Sibley County.*

List of names of all persons who are entitled to vote in the election-district composed of the township of Bismark, in the county of Sibley and State of Minnesota, at the annual election to be held Tuesday, November 3, 1874.

Baker, Christian	x	Lickfett, William	x
Babcock, E. H.	x	Lickfett, Daniel	x
Burdick, Matthew	x	Lickfett, Frederick	x
Clevenger, S. S.	x	Myer, Frederick	x
Child, John		Myer, John	
Frank, Gustav.	x	Maxon, J. L.	x
Falk, August	x	Milke, Gotfried	x
Holz, Ludwig	x	Nickoleyne, F.	x
Haubeck, William	x	Ortlof, Andrew	x
Haston, James H.	x	Pokrant, Ludwig	
King, A. M.	x	Rodetski, William	x
Krueger, Aug.	x	Rosnow, Julius	x
Krueger, Herm.	x	Schottschneider, A.	x
Krueger, Julius	x	Schauer, William	x
Klemptner		Schlender, William	
Kiefer, Lewis	x	Schultz, John	x
Kielhorn, August	x	Weirfennick, S.	
Love, Enos		Zartki	.

The whole number of the above-named persons, who were present and voting at the above-named election, was twenty-eight, (28.)

Certified by us :

A. M. KING,
L. HOLZ,
J. L. MAXON,
Judges of Election.

Attest to :

SAMUEL S. CLEVINGER,
LOUIS KIEFER,
Clerks of Election.

I, J. L. Maxson, do solemnly swear that I will perform the duties of judge of election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting this election.

J. L. MAXSON.

Sworn and subscribed to before me this 3d day of November, 1874.

LOUIS KIEFER,
Justice of the Peace.

I, A. M. King, do solemnly swear that I will perform the duties of judge of election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting this election.

A. M. KING.

Sworn to and subscribed before me this 3d day of November, 1874.

LOUIS KIEFER,
Justice of the Peace.

I, Ludwig Holz, do solemnly swear that I will perform the duties of judge of election according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting this election.

L. HOLZ.

Sworn and subscribed to before me this 3d day of November, 1874.

LOUIS KIEFER,
Justice of the Peace.

We, Louis Kiefer and Samuel S. Clevenger, do solemnly swear that we will perform the duties of clerks of election according to law and the best of our ability; and that we will studiously endeavor to prevent fraud, deceit, and abuse, in conducting this election: so help us God.

SAMUEL S. CLEVINGER.
LOUIS HOLZ.

Sworn and subscribed to before me this 3d day of November, 1874.

LOUIS KIEFER,
Justice of the Peace.

Election return of Bismark.

STATE OF MINNESOTA, *County of Sibley, ss:*

At an election held at the house of Julius Boswom, in the election-district composed of the township of Bismark, in the county of Sibley, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names, for the following-described offices, to wit:

Chief justice of the supreme court.—S. J. R. McMillan received sixteen (16) votes; Wescott Wilken received twelve (12) votes.

Associate justice supreme court.—F. R. E. Cornell received sixteen (16) votes; William Lochren received twelve (12) votes.

Congress, second district.—Horace B. Strait received nine (9) votes; E. St. J. Cox received nineteen (19) votes.

Representative, third district.—S. G. Anderson received twenty-three (23) votes; A. M. Schnell received five (5) votes.

County auditor.—Christian Didra received twenty-eight (28) votes.

Register of deeds.—Gotfried Papke received twenty-three (23) votes; William Carroll received five (5) votes.

Sheriff.—James P. Allison received twenty-six (26) votes; Pat. Bray received two (2) votes.

County attorney.—S. Fowler received twenty-three (23) votes; W. C. White received five (5) votes.

County commissioner.—Hamilton received eighteen (18) votes; F. Mochow received ten (10) votes.

Coroner.—Murice Joyce received five (5) votes.

For removal of county-seat.—Ten (10) votes.

Against removal of county-seat.—Twelve (12) votes.

Certified by us:

A. M. KING,
L. HOLZ,
J. S. MAXSON,
Judges of Election.

Attest:

SAMUEL S. CLEVINGER,
LOUIS KIEFER,
Clerks of Election.

Certificate of auditor.

TE OF MINNESOTA, *County of Sibley, ss:*

AUDITOR'S OFFICE.

I, Christ. Didra, auditor for the county of Sibley, in the State of Minnesota, do hereby certify that I have carefully compared the foregoing poll-list and return of election for the town of Bismark, in said county with the original on file in this office, and that the same are true and correct copies thereof.

Witness my hand and seal at Henderson, this 5th day of April, 1874
[SEAL.]

CHRIST. DIDRA,
Auditor Sibley County, Minnesota

EXHIBIT D.—Poll-list for Dryden Township, Sibley County, State of Minnesota.

List of qualified electors in the election-district composed of the township of Dryden, in the county of Sibley, State of Minnesota, for an election to be held in said election-district on the 3d day of November, 1874.

The whole number of the following-named persons, who were present and voting at the above-named election, was 98.

Certified by us :

THOMAS O'NEIL,
FRIEDRICK VECKER,
AUGUST SYLVESTER,
Judges of Election.

Attest :

JAMES R. BEATTY,
CHARLES ALTNOW,
Clerks of Election.

STATE OF MINNESOTA, *Sibley County, ss :*

I, Thomas O'Neil, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

THOMAS O'NEIL.

Sworn and subscribed before me this 3d day of November, 1874.

HAMILTON BEATTY,
Town Clerk.

STATE OF MINNESOTA, *Sibley County, ss :*

I, August Sylvester, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

THOMAS O'NEIL,
Chairman Supervisors.

STATE OF MINNESOTA, *Sibley County, ss :*

I, Frederick Vecker, do solemnly swear that I will perform the duties of judge of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

FREDERICK VECKER.
AUGUST SYLVESTER.

Sworn and subscribed before me this 3d day of November, 1874.

THOMAS O'NEIL,
Chairman Supervisors.

STATE OF MINNESOTA, *Sibley County, ss :*

I, S. R. Beatty, do solemnly swear that I will perform the duties of clerk of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

THOS. O'NEIL.
Chairman Supervisors.

STATE OF MINNESOTA, ——— County, ss :

I, Charles Altnow, do solemnly swear that I will perform the duty of clerk of this election according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, conducting the same : so help me God.

CHARLES ALTNOW

Sworn and subscribed before me this 3d day of November, 1874.

THOMAS O'NEIL,
Chairman Supervisors

List of qualified electors in the election-district composed of the township Dryden, in the county of Sibley, State of Minnesota, for an election to held in the said election-district on the 3d day of November, 1875.

The whole number of the following-named persons, who were present and voting at the above-named election, was ninety-eight.

Certified by us :

THOMAS O'NEIL,
FREDRICK VECKER,
AUGUST SYLVESTER,
Judges of Election.

Attest :

JAMES R. BEATTY,
CHARLES ALTNOW,
Clerks of Election.

Poll-list.

- | | |
|---------------------|----------------------|
| 1 Lewis Hoppe | 31 August Groehler |
| 2 Wm. Maeurer | 32 J. R. Beatty |
| 3 August Abraham | 33 August Fisher |
| 4 August Maas | 34 Fred. Feuske |
| 5 Jas. Deis | 35 Aug. F. Toker |
| 6 Wm. Maas | 36 Martin Kathke |
| 7 Thomas O'Neil | 37 Fred. Gassow, jr. |
| 8 Harman Krueger | 38 Fred. Fiss |
| 9 Hamilton Beatty | 39 Wm. Pomphum |
| 10 S. B. Beatty | 40 Wm. Bernstein |
| 11 John Altnow | 41 Louis Schnetz |
| 12 Martin Baudelin | 42 Wm. Hahn |
| 13 Ferdinand Altnow | 43 John Kety |
| 14 Julius Redman | 44 Wm. Polezin |
| 15 Fred. Kuphall | 45 August Waller |
| 16 Wm. Selle | 46 Wm. Pomphum |
| 17 Reinhold Preusse | 47 Daniel Palmer |
| 18 Leonard Harris | 48 John Polezin |
| 19 Fred Daum | 49 John L. Furber |
| 20 Fred. Fisher | 50 Charles Altnow |
| 21 Herman Paul | 51 Patrick Mohau |
| 22 Henry Pappe | 52 Fred. Norton |
| 23 Wm. Bernstein | 53 Stephen Conroy |
| 24 Christian Koenig | 54 Peter Mohan |
| 25 Fred. Gassow | 55 August Rost |
| 26 August Sylvester | 56 John P. Mohan |
| 27 John Hahn | 57 John Fiss |
| 28 John Kester | 58 Thomas Duff |
| 29 Herman Abraham | 59 Chas. Hahn |
| 30 John Schnetz | 60 Chas. Grochow |

61 Chas. Gieldenmeister
 62 Wm. Smith
 63 August Vecker
 64 Henry Eggert
 65 Charles Krueger
 66 Chas. Grochow
 67 Bernard Duff
 68 John Haas
 69 Norman Hubbard
 70 W. R. Hamilton
 71 Ferdinand Bader
 72 Ludwig Burket
 73 Martin Mansfield
 74 Charles Grochow, sr.
 75 Julius Stelter
 76 Christoph Doepke
 77 Christian Mark
 78 George Smith
 79 Henry Wiemeier

80 Christian Keil
 81 David Losh
 82 Gustav Altnow
 83 Ludwig Dreger
 84 Aug. Henshke
 85 Herman Reuner
 86 Andrew Beatty
 87 Robert Beatty
 88 Wm. Abraham
 89 Frank Abraham
 90 Carl Sylvester
 91 Ferdinand Spaude
 92 Fred. Uecker
 93 Cornelius Calahan
 94 John Pollman
 95 Cornelius Callahan, jr.
 96 William Callahan
 97 Michael Callahan
 98 George Furber

Election-returns of Dryden.

STATE OF MINNESOTA, *County of Sibley :*

At an election held at Christian Roenig's, in the election-district composed of the town of Dryden, in the county of Sibley, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit :

For chief-justice of the supreme court.—Wescott Wilken received 87 votes; S. J. R. McMillan received 10 votes.

For associate justice supreme court.—William Lochern received 88 votes; F. R. E. Cornell received 10 votes.

For member of Congress.—E. St. Julien Cox received 90 votes; H. B. Strait received 8 votes.

For county auditor.—Chas. Keller received 27 votes; Christ. Didra received 70 votes.

For sheriff.—Pat. Bray received 39 votes; J. P. Allison received 59 votes.

For register of deeds.—William Carroll received 39 votes; Gotfried Papke received 59 votes.

For county attorney.—William C. White received 47 votes; S. Fowler received 51 votes.

For county coroner.—Maurice Joyce received 47 votes.

For removal of county-seat.—24 votes.

Against removal of county-seat.—65 votes.

For representative of legislature.—John Mullen received 34 votes; Adam Buck received 20 votes; John Groetsch received 41.

For county commissioners.—William Maurer received 69 votes; Fred. Mochow received 15 votes; William R. Hamilton received 11 votes; Herman Schulenberg received 1 vote.

Certified by us:

THOM. O. NEIL,
 FRED. UECKER,
 AUGUST SYLVESTER,
Judges of Election.

Attest:

JAMES R. BEATTY,
 CHAS. ALTNOW,
Clerks of Election.

Certificate of auditor.

STATE OF MINNESOTA, *County of Sibley, ss:*

I, Christ. Didra, auditor in and for the county of Sibley, and State of Minnesota, do hereby certify that I have carefully compared the foregoing poll-list and election-returns of the general election held on the 3d day of November, 1874, in the town of Dryden, in said county, with the original on file in this office, and that the same are true and correct copies thereof.

Witness my hand and seal at Henderson, in said county, this 10th day of April, A. D. 1875.

CHRIST. DIDRA,
Auditor Sibley County, Minnesota.

Certificate of recorder.

In the matter of the contested election for a member of Congress from the second congressional district of the State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

STATE OF MINNESOTA,
County of Scott, ss:

I, D. A. Brown, city recorder of the city of Shakopee, in the county and State aforesaid; and a notary public in and for the said State, residing in the said county of Scott, do hereby certify that the foregoing deposition and documentary evidence was taken before me, and said deposition was written down by me on the 26th day of March, A. D. 1875, at the village of Henderson, in the county of Sibley, in said State at the time and place mentioned in, and in pursuance of, the notice of the taking of the same hereunto prefixed, and of the stipulation and agreement entered into and agreed upon at the time, and before the taking of said evidence, by both of the parties to said contest, which stipulation was written down by me at the commencement of the foregoing deposition, and was agreed to by both of said parties, and directed by them, and both of them, to be incorporated in said deposition and made a part thereof, and that both parties to said contest then and there appeared in person, and by their respective attorneys, and took part in the examination of the witness who gave the foregoing evidence relating to said matter, and that said witness was duly sworn and gave said evidence under oath, and that, after such examination and such taking down in writing of said evidence, it (said evidence) was read to said witness and by him subscribed to in my presence, and in presence of both of the parties hereto.

Dated March 27, 1875.

[SEAL.]

D. A. BROWN,
*City Recorder of the City of Shakopee, and a
Notary Public, Scott County, Minn.*

Caption of depositions taken in Dakota County.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

STATE OF MINNESOTA,

County of Dakota, City of Hastings :

MARCH 30, A. D. 1875.

Testimony taken before me, D. A. Brown, city recorder of the city of Shakopee, in the county of Scott and State aforesaid, and a notary public in and for said State, residing in said county of Scott, in the said second congressional district of said State, at the city of Hastings, in the county of Dakota, in said State of Minnesota, on the 30th day of March, A. D. 1875, at the county auditor's office of said Dakota County, in said city of Hastings, in behalf of Hon. H. B. Strait, and against Hon. E. St. Julien Cox, both parties appearing in person, and by their respective attorneys.

Whereupon Hon. E. St. Julien Cox, by his attorney, T. O'leary, made the following objections, to wit :

And now comes the contestant, by his attorney, T. O'leary, on this 30th day of March, 1875, and protests, excepts, and objects to the taking of any testimony of Hon. John Kennedy, or Michael Heinan, or any other person, under the notice of date March 20, 1875, for the reason that the time allowed, to wit, the forty days in which contestant is allowed of law to take his testimony, has not expired or elapsed.

2d. That such proposed testimony is not additional to the testimony heretofore taken, nor is it proposed as additional testimony on the part of respondent.

Deposition of Michael Heinan.

STATE OF MINNESOTA,

County of Dakota, City of Hastings, ss :

MICHAEL HEINAN, a witness of lawful age, was produced by the contestee, Hon. H. B. Strait.

Contestant objected to the witness being sworn on the ground that, in the notice of contest, the only question is as to the posting correction of the registry lists in the elections of the towns of Randolph, Mendota, Hampton, and the First ward of the city of Hastings, and not as the custody of the returns of the general election in the possession of the witness.

Whereupon the witness produced, to wit, Michael Heinan, was by me duly sworn according to law, and testified as follows, to wit :

Question. State if you are the county auditor of the county of Dakota, State of Minnesota; and, if so, how long have you been such?—

Answer. I am and have been since March 1, 1873.

Q. As such auditor, have you in your possession the returns from the several towns and election precincts of the vote for member of Congress from this district, of the last general election?

(Objected to as immaterial, incompetent, and does not come within purview of the notice served upon the contestant.)

A. Yes, sir.

Q. Were you present when the canvass was made by the county

board of canvassers of the election held November 3, 1874?—A. Yes, sir.

Q. State if that canvass was made and the returns to the secretary of state, from that canvass, from the several election returns of the several election precincts now in your possession in your office.

(Objected to as incompetent in that witness was not one of the board of canvassers, and that it does not appear that there ever was any canvass made.)

A. It was.

Q. Was there any other evidence except the returns before the canvassing board in relation to the vote for member of Congress in this district?—A. There was not.

Q. Was there any registry poll-list made and corrected by the judges of election, prior to the election, and returned to this office of the county auditor with the returns of said election from the towns of West Saint Paul, Vermillion, First ward of the city of Hastings, Burnsville, Rosemount, Nininger, Randolph, Mendota, and Hampton?

(Contestant here admitted that there are no such returns of registry poll-lists of that character or nature returned to the county auditor of Dakota County from the several towns last above referred to.

Contestee, Hon. H. B. Strait, offered in evidence certified copies of all the poll-lists and abstracts of the votes cast at the last general election of the following towns and election precincts as returned to the county auditor by the judges of said election, to wit: First ward of the city of Hastings, Vermillion, Burnsville, Rosemount, Nininger, Mendota, Hampton, and West Saint Paul, which are hereto annexed and marked Exhibits 1, 2, 3, 4, 5, 6, 7.)

Cross-examined under protest by contestant:

Q. Are the returns from the towns mentioned made in the usual form of election-returns in this county?

(Objected to by contestee as incompetent and immaterial.)

A. I don't know whether they are or not.

Q. Was there a full board of canvassers that canvassed that vote in this county?—A. There was; three members were present and acted as such canvassers.

Q. Look at the returns of the town of Castle Rock, in this county. Before whom, as appears from those returns, were the judges of election sworn?

(Objected to by contestee as not cross-examination, incompetent, immaterial, and no notice being given of the taking of any such evidence.)

A. As appears by the record, the judges of election were sworn before the town clerk.

Q. Give us the vote in the town of Castle Rock for Congressman.

(Same objection as to the former question.)

A. E. St. Julien Cox, 35 votes; T. G. Odell, 1 vote; H. B. Strait, 30 votes.

Q. In the town of Randolph do you find from the returns that the judges or clerks of election were sworn at all?

(Objected to as incompetent.)

A. I do not.

Q. Do you find that there is any poll-list at all, returned from the town of Randolph, of any kind or list of voters, and what is the vote of that town for Congressman, as returned by the county canvassers?

(Objected to as incompetent, as the record is the best evidence of those facts.)

A. I do not find any such poll-lists returned from the town of Randolph. The vote as so returned is, H. B. Strait, 13; E. St. Julien Cox, 7.

Q. Is there an election-district in the county of Dakota known by the name of Farmington?

(Objected to as not cross-examination, and no notice having been given of the production of any such evidence.)

A. There is no such for general elections.

Q. Is there any alphabetical list of the names of voters on file in your office of the town of Empire who voted at the last general election?

(Same objection as before.)

A. No, sir.

Q. What is the vote for Congressman of the town of Empire, of that election, as appears by the returns?

(Objected to as incompetent, as the record and returns is the best evidence of the fact.)

A. H. B. Strait, 130 votes; E. St. Julien Cox, 124 votes.

Q. Have you the returns from the town of Eureka, in this county, of the last general election?—A. I have.

Q. What is the vote for Congressman, as shown by the returns from that town?

(Objected to as incompetent, the record and returns being the best evidence, and no notice having been given of the introduction of any such evidence, and it is not cross-examination.)

A. H. B. Strait, 102 votes; E. St. Julien Cox, 22 votes.

Q. Have you any evidence in your office of the names of anybody who voted in the town of Eureka at the general election held November 3, 1874, for Congressman?

(Same objection as to former question.)

A. I have no other than the poll-list and abstract of votes as returned from that town.

Q. Have you any list of the names of the persons who voted in that town at the last general election for Congressman?

(Same objection as before.)

A. I have what purports to be a list of names, but I don't know whether they voted or not.

Q. From the records in your office, before whom was the judges of election sworn in the town of Eureka?

(Objected to as incompetent, for the record is the best evidence, and no notice having been given of the taking of any such evidence.)

A. W. A. Perry, town-clerk.

Q. Have you the official returns from the town of Waterford in your office?—A. I have.

Q. What was the vote for Congressman of the town of Waterford at the last general election in this county?

(Objected to as incompetent, not cross-examination, and that no notice having been given of the production of any such evidence.)

A. H. B. Strait, 27 votes; E. St. Julien Cox, 17 votes.

Q. Is there any evidence of the number of votes cast at said election for Congressman in the town of Waterford, in this county, certified to by the judges of election?

(Same objection as to the previous question.)

A. I have nothing but the abstract, which is certified by the judges of election.

Q. Before whom were the judges of election sworn, in the town of Waterford, in this county?

(Objected to as incompetent, not cross-examination, and no notice having been given of the production of any such evidence.)

A. The first one, Moses K. Pike, was sworn before C. P. Nichols, supervisor. The others by Moses K. Pike, chairman of supervisors.

Q. Is there any alphabetical list of the voters of that town, who vote at said election, returned to your office?

(Objected to as incompetent, not cross-examination, and no notice having been given of the taking of any such testimony.)

A. There is none.

Q. Have you the returns of the Third ward of the city of Hastings, at said election in this county; and if so, what was the vote for Congressman?

(Objected to as incompetent, not cross-examination, and that no notice has been given of the production of any such evidence.)

A. I have; H. B. Strait, 156 votes; E. Saint Julien Cox, 100 votes.

Q. In what purports to be the poll-list, as returned to this office, what is the first number of the voter?

(Same objection as before, and further, that it is immaterial.)

A. Two hundred and forty-three.

Q. Before whom was C. O. Ball, who purports to be one of the judges of that election, sworn?

(Objected to as incompetent, and no notice given of the taking of any such evidence.)

A. Sworn before the city clerk.

Q. From the evidence in your office, was there any of the judges of election of the last general election, held in the Third ward of the city of Hastings, sworn before anybody on the 3d day of November, 1874?

(Same objection as before to the previous question.)

A. There is no evidence in this office that there were any of them sworn on the 3d day of November, 1874. It appears from the return that they were sworn on the 28th day of October, 1874.

Q. Have you in your office the returns of the Fourth ward of the city of Hastings?—A. I have.

Q. Give us the vote for Congressman in that ward at that election.

(Objected to as incompetent, not cross-examination, and no notice having been given of taking any such testimony.)

A. E. St. Julien Cox, 27 votes; H. B. Strait, 47 votes.

Q. Who were sworn as the judges of election, as appears by the returns?

(Objected to as incompetent, as the record is the best evidence.)

A. Henry Hetherington, Jacob Kramer, and Horace A. Tanner.

Q. Who certifies to the abstract and total number of votes cast for Congressman.

(Same objection as next preceding question.)

A. Horace A. Tanner, Jacob Kramer, Wm. P. Boyd.

Q. Does the name of William P. Boyd appear to be sworn as judge of election, on the day of election?—A. He was.

Q. How many judges appear to be sworn at that election?—A. Four.

Q. How many judges appear to be sworn on election-day, as appears by that list?

(Objected to as incompetent, as the record is the best evidence, and no notice has been given of any such proof being taken.)

A. It appears that one judge was sworn on the day of election, November 3, 1874; the other judges were sworn on the 28th of October, 1874.

Q. Were all the votes in the townships heretofore mentioned by

in your cross-examination counted, canvassed, and returned to the State board of canvassers as cast for Congressman for the second congressional district, State of Minnesota, at the general election held November 3, 1874 ?

(Objected to as incompetent, the returns themselves made to the secretary of state being the best evidence, and no notice being given of the production of any such evidence, and it not appearing that the witness has any knowledge of the fact, and it is not cross-examination.)

A. They were.

The contestee re-examines the witness as to his cross-examination, under protest:

Q. State if you have a return of an alphabetical list of the voters of the Third and Fourth wards of the city of Hastings, in this county, which purports to be a registry poll-list of the voters of said wards, who voted at that election held November 3, 1874.—A. I have.

MICHAEL HEINEN.

Subscribed and sworn to before me March 30, 1875.

[SEAL.]

D. A. BROWN,
*City Recorder of the City of Shakopee,
and a Notary Public, Scott County, Minnesota.*

Deposition of John Kenedy.

JOHN KENEDY, a witness of lawful age, was thereupon produced as a witness by the contestee, Hon. H. B. Strait, to give evidence in favor of said H. B. Strait and against E. St. Julien Cox, who, after being by me first duly sworn according to law, testified as follows, to wit:

Question. Where do you reside ?—Answer. Hastings, Dakota County, Minnesota.

Q. State if you were in the town of Rosemount, in the county of Dakota, on the 3d day of November, 1874.—A. I was.

Q. State, if you know, where the election was held in that town on that day.

(Objected to because there is record-evidence in the auditor's office of Dakota County that shows that fact.)

A. Yes; it was at the school-house at Carr's Corners.

Q. Were you at the place of voting there on that day ?—A. Yes, sir.

Q. State the time of day when you arrived there, and when you left there.—A. About two o'clock when I arrived there, and about a quarter past two when I left.

Q. State if they were voting when you arrived there.

(Objected to as immaterial, incompetent, and irrelevant, and no notice of any illegality or irregularity in the voting in the town of Rosemount, Dakota County, having been served by contestee.)

A. They were not voting.

Q. State if you know why.

(Objected to, because that in the answer of the respondent it does not appear that any irregularities occurred on election-day in that town, nor is it so charged.)

A. The judges and clerks of election were not there at the place of voting, neither was the ballot-box there.

Q. Where were the judges, clerks, and the ballot-box ?

(Objected to for same reasons as above.)

A. The judges and clerks of election had gone away to dinner and had taken the ballot-box with them.

Q. Where did they go?—A. I think I was informed that they had gone to Tom Charles's house, the town-clerk, to dinner.

Q. How far is that from the place of voting in that town?—A. I believe it is three-quarters of a mile.

Q. Did the judges and clerks return with the ballot-box before you left?—A. Yes, sir.

Q. During the time that you remained there were there persons there desirous of voting while the ballot-box was away?—A. There were.

Q. Did there appear to be a large number or small number of persons desiring to vote?

(Same objection as above.)

A. There were quite a number of persons there very much dissatisfied, because they had taken the ballot-box away.

. Cross-examined under protest :

Q. Are you postmaster of this town?—A. I am.

Q. Who did you vote for for Congress?—A. H. B. Strait.

Q. What did you go to Rosemount for on election-day?—A. It happened to be on my road where I was going.

Q. Do you know or did you have any money to aid in the election of Hon. H. B. Strait at the November election, 1874?

(Objected to as incompetent, immaterial, and not cross-examination.)

A. I don't know of any used in the election, except what I used myself, and that was used in the general election and not for the election of Hon. H. B. Strait. I used it to assist generally.

Q. How much money did you use?

(Same objection as above.)

A. I don't know exactly.

Q. How long had the judges and clerks of election been gone when they returned with the ballot-box?—A. I couldn't say of my own knowledge how long, because they were gone when I got there.

Q. Did the voters who were present go to voting when the ballot-box was returned?—A. Yes.

Q. How long after they returned did the voters commence voting?—A. I do not know.

Q. Was there anybody voted while you were there?—A. I don't know.

Q. How many voters were there around there while the box was gone?—A. About twenty.

Q. Can you give us the names of any of those persons waiting?—A. Andrew Keegan, Hugh Durham, and, I think, James McDonell.

Q. Was Mr. McDonell one of the persons who were dissatisfied?—A. I think not; I don't recollect exactly.

Q. Can you give the name of any individual who complained that they hadn't a chance to vote?—A. No, sir; I don't recollect of any.

Q. Do you know of anybody who was deprived of voting on that day?—A. No, sir.

Q. Do you know whether the ballot-box was sealed when it was returned?—A. I do not.

Q. Do you know the names of the judges of that election? And, if so, state them.—A. I know one of them.

Q. Was he the one who had the box under his arm when they returned?—A. I couldn't tell.

Q. Do you know or can you tell the name of any person who was deprived of voting at that election?—A. Not of my own knowledge.

Q. Do you know the persons whose names appear on this poll-list as judges and clerks of election?—A. I do.

Q. In your canvass for Major Strait what were the politics of those persons, and who did they vote for?—A. I think the majority probably for Mr. Cox.

Q. Who made the most of this noise about taking away the ballot-box, Mr. Strait's or Mr. Cox's friends?—A. I think the most of the talking was done by those I supposed to be democrats.

Q. Was the remark made that there were persons who had gone away without voting, or that if any should come they might go away without voting?—A. Positively it was said that they had gone away without voting.

JOHN KENEDY.

Subscribed and sworn to before me March 30, A. D. 1875.

[SEAL.]

D. A. BROWN,

*City Recorder of the City of Shakopee
and a Notary Public, Scott County, Minn.*

EXHIBIT 1.—*Election-returns of city of Hastings, First ward.*

STATE OF MINNESOTA, *Dakota County, ss :*

At an election held at the house of Mr. Mullaney, in the election-district composed of the First ward, of the city of Hastings, in the county of Dakota, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief-justice of the supreme court.—S. J. R. McMillan received thirty-one (31) votes; W. P. Wilkin received one hundred and twenty-four (124) votes.

For associate justice supreme court.—F. R. E. Cornell received twenty-eight (28) votes; W. Lochren received one hundred and twenty-six (126) votes.

For member of Congress.—H. B. Strait received thirty (30) votes; E. St. Julien Cox received one hundred and twenty-three (123) votes.

For county auditor.—E. L. Brackett received thirty-five (35) votes; Michael Heinen received one hundred and twenty (120) votes.

For court commissioner.—W. H. Dekay received thirty-one (31) votes; J. N. Newton received one hundred and nine (109) votes; scattering, two (2) votes.

For change of county line —Received eight (8) votes.

Against change of county line.—Received one hundred and thirty-seven (137) votes.

For representatives to the legislature.—John Byers received forty (40) votes; Porter Martin received thirty-three (33) votes; Oscar Torsen received thirty-four (34) votes; Moses Bixler received thirty-two (32) votes; J. L. Lewis received thirty-two (32) votes; Thomas Howes received one hundred and eighteen (118) votes; Nicholas McGree received one hundred and twenty (120) votes; J. C. McCarthy received one hundred and twenty (120) votes; Andrew Keegan received one hundred

eighteen (118) votes; F. Merrill received one hundred and twelve (112) votes.
 for county commissioner.—L. Van Inrogen received twenty-nine (29) votes; Chas. Damerell received one hundred and twenty-five (125) votes.
 Certified by us:

M. MULLANY,
 L. L. FERRY,
 PETER FICKER,
Judges of Election.

Attest:
 C. H. FERRY,
 WM. JONES,
Clerks of Election.

Certificate of county auditor, Dakota County.

AUDITOR'S OFFICE,
Hastings, Dakota County, Minnesota.

I, Michael Heinen, auditor of said county, do hereby certify that the foregoing is a true and correct copy of the abstract of votes as returned to this office from the First ward of the city of Hastings, as the proceedings and result of the general election held in said ward, on the third day of November, A. D. 1874, and from which the canvass for said town was made for member of Congress from the second congressional district of Minnesota, and also that no poll-book was returned to me from said ward for said election.

In testimony whereof I have hereunto set my hand and affixed my official seal, at the city of Hastings, this fourteenth day of April, A. D. 1875.

[SEAL.]

MICHAEL HEINEN,
County Auditor of the County of Dakota, Minnesota.

EXHIBIT 2.—*Election returns of Burnsville, Dakota County.*

STATE OF MINNESOTA, ———County, ss:

At an election held at the school-house No. 15, in the election-district composed of the town of Burnsville, in the county of Dakota, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief justice of the supreme court.—Wescott P. Wilkin received sixty-two (62) votes; S. J. R. McMillan received two (2) votes.

For associate justice supreme court.—Wm. Lochren received sixty-two (62) votes; F. R. E. Cornell received two (2) votes.

For member of Congress.—E. St. Julien Cox received sixty-one (61) votes; [illegible] received three (3) votes.

[illegible] received sixty-two (62) votes:

For representative to the legislature.—Thomas Howes received forty-one (41) votes; Nicholas McGree received sixty-one (61) votes; J. C. McCarthy received sixty-two (62) votes; Andrew Kegan received sixty (60) votes; F. Merrill received sixty-one (61) votes; John Byers received two (2) votes; Porter Martin received two (2) votes; Oscar Tourson received two (2) votes; Moses Bixler received two (2) votes; J. L. Lewis received twenty-two (22) votes.

For change of county line.—Forty-one (41) votes.

Against change of county line.—Eighteen (18) votes.

Certified by us :

PATRICK FOLEY,
WALTER KENNEALEY,
PATRICK HARKON,
Judges of Election.

Attest :

MICHAEL McDONALD,
THOMAS KENNEDY,
Clerks of Election.



Certificate of county auditor.

AUDITOR'S OFFICE,
Hastings, Dakota County, Minnesota.

I, Michael Heinan, auditor of said county, do hereby certify that the foregoing is a true and correct copy of the poll-book and abstract of votes as returned to this office from the town of Burnsville, as the proceedings and result of the general election held in said town, on the third day of November, A. D. 1874, and from which the canvass for said town was made for member of Congress from the second congressional district of Minnesota.

In testimony whereof I have hereunto set my hand and affixed my official seal at Hastings, this fourteenth day of April, A. D. 1875.

[SEAL.]

MICHAEL HEINEN,
County Auditor of Dakota, Minnesota.

Poll-list for Burnsville Township, Dakota County, State of Minnesota.

List of qualified electors in the election-district composed of the town of Burnsville, in the county of Dakota, State of Minnesota, for an election to be held in the said election-district on the third day of November, 1874.

The whole number of the following-named persons, who were present and voting at the above-named election, was sixty-four, (64.)

Certified by us :

PATRICK FOLEY,
WALTER KENNELLY,
PATRICK HARKON,
Judges of Election.

Attest :

MICHAEL McDONALD,
THOMAS KENNEDY,
Clerks of Election.

Poll-list.

1 William Welch	33 James Stanton
2 Lewis Jud	34 A. H. Boomhall
3 Charles O'Neil	35 Laurence Thornton
4 Thos. Butler	36 James Newman
5 Thos. Welch	37 Hugh O'Brien
6 Michael Clinton	38 John McCoy
7 Patrick Folley	39 John McNerny
8 Patrick Harkins	40 Patrick McCoy
9 Michael McDonald	41 Patt Powers
10 Patrick Moran	42 John Powers
11 Timothy Slater	43 Charles McCoy
12 Michael T. Connelly	44 Joseph Cannon
13 Frank Dowdee	45 John Ledweye
14 John McNamara	46 James Sheridan
15 Patrick Gallaher	47 Michael Galleher
16 James O'Bryen	48 Thos. Galleher, jr.
17 Timothy Regan	49 Thos. Galleher, sr.
18 Timothy McNamara	50 Charles McDevitt
19 Walter Kenneally	51 Michael Foley
20 Louis Thoulison	52 Jeremiah Dillon
21 D. J. Burns	53 Timothy Hayes
22 W. D. Wygant	54 Philip Kegan
23 John Wygant	55 Michael Nickelson
24 Laurins Casey	56 William Powers
25 Martin Farrell	57 William Foley
26 John Sheridan	58 Thos. Moor
27 Charles Mara	59 John Dillon
28 John Barisford	60 James Connelley
29 Jeremiah Sweeney	61 James McCoy
30 Peter Lebond	62 Peter Fahee
31 Justin Williams	63 Michael Welch
32 James Ervin	64 John Lynch

*EXHIBIT 3.—Election-returns from Rosemount, Dakota**STATE OF MINNESOTA, Dakota County, ss :*

At an election held at Rosemount, in the election district of the town of Rosemount, in the county of Dakota, in Minnesota, and the 3d day of November, 1874, the following persons received the number of votes set opposite their names for the following-named offices, to wit:

For chief-justice of the supreme court.—Westcott Wilkie hundred and twenty-four (124) votes; S. J. R. McMillan eight (8) votes.

For associate justice supreme court.—William Lochr hundred and twenty-two (122) votes; F. R. E. Cornell nine (9) votes.

For member of Congress.—E. St. Julien Cox received twenty (20) votes; H. B. Strait received twenty-eight (28) votes.

For county auditor.—Michael Heinen received one hundred and one (101) votes; E. L. Brackett received thirty-nine (39) votes.

For court commissioner.—J. F. Newton received one hundred and twenty-one (121) votes; W. H. De Kay received eighteen (18) votes; R. Judson received, scattering, nine (9.)

For representatives to the legislature.—Thomas Howes received one hundred and seventeen (117) votes; Nicholas McNee received one hundred and eighteen (118) votes; J. C. McCarthy received one hundred and thirteen (113) votes; Andrew Keegan received one hundred and nineteen (119) votes; F. Merrill received one hundred and sixteen (116) votes; John Byers received thirty-one (31) votes; Porter Martin received thirty-two (32) votes; Oscar Tourson received twenty-nine (29) votes, Moses Bixler received twenty-nine (29) votes; J. L. Lewis received twenty five (25) votes.

For change of county-line.—Received sixty-seven (67) votes.

Against change.—Received sixty-two (62) votes.

For county commissioner.—Scattering.

For representative.—Mr. Lewis one (1) vote, Lewis one (1) vote.

Certified by us:

JOHN H. FLANEGAN,
DRURY HILDRED,
JOHN GILMAN,
Judges of Election.

Attest:

THOMAS CLARK,
WM. STRATHERN,
Clerks of Election.

Certificate of county auditor.

AUDITOR'S OFFICE,
Hastings, Dakota County, Minnesota.

I, Michael Heinen, auditor of said county, do hereby certify that the foregoing is a true and correct copy of the poll-book and abstract of votes as returned to this office from the town of Rosemount, as the proceedings and result of the general election held in said town, on the 3d day of November, A. D. 1874, and from which the canvass for said town was made for member of Congress from the second congressional district of Minnesota.

In testimony whereof I have hereto set my hand and affixed my official seal at the city of Hastings, this 14th day of April, A. D. 1875.

MICHAEL HEINEN,
Auditor of Dakota County, Minnesota.

STATE OF MINNESOTA, *Dakota County, ss:*

I, J. H. Flanagan, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

JOHN H. FLANEGAN.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Dakota County, ss :*

I, ———, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.!

JOHN GILMAN.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Dakota County, ss :*

I, Drury Hildred, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

DRURY HILDRED.

Sworn and subscribed before me this 3d day of November, 1874.

ANDREW KEEGAN,
Justice of the Peace.

STATE OF MINNESOTA, *Dakota County, ss :*

I, Thomas Clark, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Dakota County, ss :*

I, ———, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability ; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same : so help me God.

WM. STRATHERN.

Sworn and subscribed before me this 3d day of November, 1874.

Poll-list for Rosemount Township, Dakota County, State of Minnesota.

List of qualified electors in the election-district composed of the township of Rosemount, in the county of Dakota, State of Minnesota, for an election to be held in the said election-district on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was one hundred and fifty-three (153.)

Certified by us :

JOHN H. FLANEGAN,
DRURY HILDRED,
JOHN GILMAN,
Judges of Election.

Attest:

THOMAS CLARK,
WILLIAM STRATHERN,
Clerks of Election.

Poll-list.

- | | |
|----------------------|----------------------|
| 1 Michael O'Rourke | 55 Geo. Wiley |
| 2 John Dixon | 56 William Ennis |
| 3 Thomas McMannus | 57 Arthur Eunis |
| 4 Thomas O'Rourke | 58 Robert Ennis |
| 5 John H. Flauigan | 59 Michael Cunniff |
| 6 John Gilman | 60 James Cunniff |
| 7 James Murphy | 61 Michael Moore |
| 8 Thomas Hamp | 62 Thomas Leonard |
| 9 Michael Hynes | 63 Frank Barbour |
| 10 Patrick Shannon | 64 Patrick Crimmins |
| 11 H. E. Smith | 65 William Murnane |
| 12 Michael Whalen | 66 Thomas Hole |
| 13 Frank Garrey | 67 William Barrett |
| 14 William Kurtz | 68 John Russell |
| 15 Daniel Campbell | 69 Edward Barrett |
| 16 Martin Kennedy | 70 Cornelius Hughes |
| 17 A. E. Simons | 71 D. G. Harrington |
| 18 Frank Gollen | 72 James L. O'Brien |
| 19 Patrick Doyle | 73 Patrick Myers |
| 20 John Fulke | 74 Merit Baker |
| 21 Joseph Gigir | 75 Patrick O'Brien |
| 22 James McDonaugh | 76 William Flauegan |
| 23 James Lynch | 77 Mark Hole |
| 24 Fred. A. Green | 78 Wyman Baker |
| 25 John McDouaugh | 79 Lewis Colson |
| 26 W. S. Hardick | 80 Andrew Larson |
| 27 C. O. Sullivan | 81 Patrick Furlong |
| 28 Wm. Downey | 82 John P. Anderson |
| 29 John Anderson | 83 Edward Court |
| 30 James Haynes | 84 Patrick Cahill |
| 31 James Murnane | 85 Michael Cahill |
| 32 Samuel Bottomley | 86 Drury Hildred |
| 33 Jerree Murnane | 87 William Noonan |
| 34 Adolph Miller | 88 Patrick Gibbons |
| 35 Ben Lesh | 89 Wm. Murphy |
| 36 John McGinley | 90 John Rowe, sen. |
| 37 Phil. Cannon | 91 Michael Callahan |
| 38 Charles Anderson | 92 Patrick Connelley |
| 39 Michael Cavanagh | 93 Dennis Mulrooney |
| 40 Alex. Huston | 94 Daniel Lucy |
| 41 William Senescall | 95 Michael Rowe |
| 42 John Garrity | 96 Fred. Klopping |
| 43 John Farquhar | 97 Thomas Collins |
| 44 Lewis Wauvey | 98 Patrick Downey |
| 45 Phil. Wauvey | 99 Michael Klancey |
| 46 Joseph Vellam | 100 Edward Sanger |
| 47 Gottlieb Schmidt | 101 Thomas Linnet |
| 48 Fred Little | 102 James Rowe |
| 49 Fred Spratt, jr. | 103 John Kurtz |
| 50 Zemper Albert | 104 M. M. Williams |
| 51 Daniel Farquhar | 105 H. G. Merritt |
| 52 Mathew J. Burke | 106 Ed. McLafferty |
| 53 William Farquhar | 107 Uriah Scott |
| 54 J. T. Sanger | 108 Robert Brown |

120	Leb Hosford	32	John Fareble
121	Michael Eagan	133	Wm. Strathern
122	John A. Drake	134	J. W. Reed
123	A. A. Harper	135	O. B. Velie
124	L. Brown	136	Thomas Clark
125	David Cary	137	Thomas Kane
126	Patrick Kelley	138	Orville Woodworth
127	James Defley	139	John Rowe
128	David Bergen	140	Patrick Condon
129	George Pemberton	141	Elias Tompkins
130	Walter Strathern	142	Michael Judge
131	John Hall	143	Austin Howland
132	Patrick Donnelley	144	Daniel Carroll
133	Charles Nordine	145	Thos. C. Dalin
134	Patrick McCarthy	146	Andrew Keegan
135	Charles McCarthy	147	John Connelley
136	Jacob Kockle	148	Daniel McGinley
137	Michael Fox	149	Henry Teare
138	P. D. O. Phalen	150	Patrick Gill
139	James Murphy	151	Ira Sanger
140	Hugh Derham	152	Thomas O'Harra
141	Michael Kelley	153	Thomas Douds
142	Wm. Kelley		

EXHIBIT 4.—*Election-returns of Nininger.*

STATE OF MINNESOTA,
 ——— County, ss :

At an election held at ——— in the election-district composed of the ——— of ———, in the county of ———, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief-justice of the supreme court.—S. J. R. McMillan received thirteen (13) votes; Wescott P. Wilkin received thirty-seven (37) votes.

For associate justice supreme court.—F. R. E. Cornell received twenty-five (25) votes; William Lochren received twenty-five (25) votes.

For member of Congress.—H. B. Strait received twenty-two (22) vote E. St. Julien Cox received twenty-eight (28) votes.

For county auditor.—E. L. Brackett received thirty-seven (37) vote Michael Heinen received thirteen (13) votes.

For change of county line.—Received thirty-five (35) votes.

Against change of county line.—Received eleven (11) votes.

For court commissioner.—William H. Dekey received twenty-six votes; John F. Newton received eleven (11) votes; Roswell Judson received eleven (11) votes.

For representatives to the legislature.—John Byers received thirt (39) votes; Porter Martin received twenty-nine (29) votes; Oscar son received thirty-eight (38) votes; J. L. Lewis received thirty-f votes; Thos. Howes received eleven (11) votes; Nicholas McG ceived twelve (12) votes; J. C. McCarthy received ten (10) vot drew Keegan received eleven (11) votes; F. Merrill received ele

For county commissioners.—L. Van Inwegen received thirty-seven (37) votes; Charles Damerell received ten (10) votes.

Certified by us:

J. A. CASE,
G. E. DENNIS,
E. D. STONE,
Judges of Election.

Attest:

GEO. H. MOREY,
GEO. A. POWELL,
Clerks of Election.

Certificate of county auditor.

AUDITOR'S OFFICE,
Hastings, Dakota County, Minnesota.

I, Michael Heinen, auditor of said county, do hereby certify that the foregoing is a true and correct copy of the poll-book and abstract of votes as returned to this office from the town of Nininger, as the proceedings and result of the general election, held in said town, on the 3d day of November, A. D. 1874, and from which the canvass for said town was made for members of Congress from the second congressional district of Minnesota.

In testimony whereof I have hereunto set my hand and affixed my official seal at the city of Hastings, this 14th day of April, A. D. 1875.

[SEAL.]

MICHAEL HEINEN,
Auditor of Dakota County, Minnesota.

STATE OF MINNESOTA, *Dakota County, ss:*

I, J. A. Case, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

J. A. CASE.

Sworn and subscribed before me this 3d day of November, 1874.

GEO. A. POWELL,
Justice of Peace.

STATE OF MINNESOTA, *Dakota County, ss:*

I, E. D. Stone, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

E. D. STONE.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Dakota County, ss :*

I, George E. Dennis, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

G. E. DENNIS.

Sworn and subscribed before me this 3d day of November, 1874.

STATE OF MINNESOTA, *Dakota County, ss :*

I, George H. Mowrey, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

GEO. H. MOWREY.

Sworn and subscribed before me this 3d day of November, 1874.

GEO. A. POWELL,
Justice of Peace.

STATE OF MINNESOTA, *Dakota County, ss :*

I, George A. Powell, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

GEO. A. POWELL.

Sworn and subscribed before me this 3d day of November, 1874.

J. A. CASE,
Justice of the Peace.

Poll-list for Nininger Township, Dakota County, State of Minnesota.

List of qualified electors in the election-district composed of the township of Nininger, in the county of Dakota, State of Minnesota, for an election to be held in the said election-district, on the 3d day of November, 1874.

The whole number of the following-named persons who were present and voting at the above-named election was fifty, (50.)

Certified by us:

J. A. CASE,
G. E. DENNIS,
E. D. STONE,
Judges of Election.

Attest:

GEO. H. MOWREY,
GEO. A. POWELL.
Clerks of Election.

Poll-list.

1 Allen, Martin	47 King, Edward
2 Amy, William	48 Keeley, David
3 Ahern, Michael	49 Laidlaw, Ai
4 Amy, Alfred	50 Liddle, Isaac
5 Atherton, M.	51 Le Seur, John
6 Bingham, J. E.	52 Larkin, James
7 Bell, John	53 Larkin, Patrick
8 Burt, William	54 Le Vacente, Charles
9 Burt, William H.	55 Mitchell, M. L.
10 Braught, William	56 McNamarra, Bat
11 L L Bottomley	57 McNamarra, John
12 Bradey, Philip	58 McNamarra, Patrick
13 Brooks, E. P.	59 McNamarra, Michael
14 Bates	60 Morey, G. H.
15 Case, J. A.	61 Morey, W. E.
16 Countryman, P. S.	62 Morey, Frank C.
17 Countryman, W. M.	63 McCarriel, L. P.
18 Countryman, H. D.	64 Myers, Fred.
19 Cobb, Stephen	65 Morgan, William
20 Cleff, Samuel	66 Mason, R. B.
21 Cilley, J. J.	67 Oleson, J. C.
22 Chamberlain, William	68 O'Leary, Timothy
23 Callahan, Patrick	69 Oleson, Peter
24 Cobb, Lewelling	70 Poor, William
25 Countryman, David	71 Poor, Edwin
26 Donnelly, Ignatius	72 Peake, L. R.
27 Dunn, James	73 Powell, George
28 Dennison, William	74 Peterson, James
29 Dennison, E. R.	75 Peterson, Hans
30 Dennis, G. E.	76 Pennington, Thomas
31 Felton, William	77 Russell, Charles
32 Frear, J. K.	78 Russell, Sylvester
33 Ford, John	79 Robertson, George O.
34 Furney, G. W.	80 Stone, E. D.
35 Felton, Whit E.	81 Swan, Orrin
36 Garrey, John	82 Smith, John
37 Hanna, W. R.	83 Truax, S. W.
38 Hanna, Jerome	84 Truax, D. W.
39 Hosford, Samuel	85 Tompkins, John
40 Hackett, James	86 Tucker, D. L.
41 Henion, R. J.	87 Tucker, L. M.
42 Hackett, Pierce	88 Tucker, J. H.
43 Hendrickson, John	89 Willson, E. D.
44 Heath, H. J.	90 Willson, Charles
45 Johnston, Charles	91 Whitney, L.
46 Knapp, R. R.	

EXHIBIT 5.—*Election-returns of Mendota.*

STATE OF MINNESOTA,
County, ss:

At an election held at Mendota, in the election-district composed of the town of Mendota, in the county of Dakota, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons

received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief-justice of the supreme court.—Wescott Wilkins received 72 votes; S. J. R. McMillan received 30 votes.

For associate justice supreme court.—William Lochran received 72 votes; F. R. E. Cornell received 30 votes.

For member of Congress.—E. St. Julien Cox received 69 votes; H. B. Strait received 32 votes.

For county auditor.—Michael Heinen received 56 votes; E. L. Brackett received 45 votes.

For court commissioner.—John F. Newton received 44 votes; Roswell Judson received 54 votes; W. H. De Kay received 4 votes.

For change of county-line.—102 votes.

Against change of county-line.— ———.

For representatives to the legislature.—Thomas Howes received 29 votes; Nicholas McGree received 44 votes; J. C. McCarthy received 70 votes; Andrew Keegan received 57 votes; Frank Merrill received 45 votes; John Byers received 46 votes; Porter Martin received 57 votes; J. L. Lewis received 71 votes; Moses Bixler received 57 votes; Oscar Tourson received 30 votes.

For county commissioner.—L. Van Inevengen received 58 votes; Charles Damerell received 3 votes.

Certified by us:

D. N. BRYANT,
CHARLES SMALL,
Judges of Election.

Attest:

M. SCANLAN,
WM. T. JOHNSON,
Clerks of Election.

Certificate of county auditor.

AUDITOR'S OFFICE,
Hastings, Dakota County, Minnesota.

I, Michael Heinen, auditor of said county, do hereby certify that there was no poll-book returned to me from the town of Mendota for the election held November 3, 1874, and that the foregoing is a copy of the abstract of votes returned from said town for said election as the proceedings and result of the general election held in said town of Mendota on the 3d day of November, 1874, and from which the canvass for said town was made for member of Congress from the second congressional district of Minnesota.

In testimony whereof I have hereunto set my hand and affixed my seal, at the city of Hastings, this 14th day of April, A. D. 1875.

[SEAL.]

MICHAEL HEINEN,
Auditor Dakota County, Minnesota.

EXHIBIT 6.—*Election-returns of Hampton.*

STATE OF MINNESOTA,
——— *County, ss:*

At an election held at school-house in school district No. 60, in the election-district composed of the town of Hampton, in the county of Dakota, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief-justice of the supreme court.—S. J. R. McMillan received fifty-two (52) votes; Wescott P. Wilkin received one hundred and thirty-eight (138) votes.

For associate justice supreme court.—F. R. E. Cornell received fifty-two (52) votes; Wm. Lochren received one hundred and thirty-eight (138) votes.

For member of Congress.—H. B. Strait received forty-two (42) votes; E. St. Julien Cox received one hundred and thirty-eight (138) votes.

For county auditor.—Michael Heinen received one hundred and twenty-five (125) votes; E. L. Brackett received sixty-one (61) votes.

For change of county-line.—Received fifty (50) votes.

Against change of county-line.—Received one hundred and twenty-four (124) votes.

For court commissioner.—W. H. DeKay received fifty-nine (59) votes; J. F. Newton received one hundred and thirty (130) votes.

For representatives to the legislature.—Thomas Howes received one hundred and fourteen (114) votes; Nicholas McGree received one hundred and thirty-six (136) votes; J. C. McCarthy received one hundred and twenty (120) votes; Andrew Reagan received one hundred and thirty (130) votes; F. Merritt received one hundred and thirty-one (131) votes; John Byers received fifty-seven (57) votes; Porter Martin received sixty-two (62) votes; Oscar Torsen received sixty-six (66) votes; Moses Bixler received sixty-two (62) votes; J. L. Lewis received fifty-five (55) votes.

For county commissioner, second district.—Joseph Sump received eighty-three (83) votes; John Y. Woods received fifty-four (54) votes; N. Ripinger received twenty-one (21) votes; C. Smith, one (1) vote; N. Becker, seven (7) votes.

Certified by us :

PHILIP DOFFING,
M. H. DAY,
JOHN KRAUZ,
Judges of Election.

Attest :

G. H. BROOKS,
EDGAR MCKAY,
Clerks of Election.

Certificate of county auditor.

AUDITOR'S OFFICE,
Hastings, Dakota County, Minnesota.

I, Michael Heinen, auditor of said county, do hereby certify that the foregoing is a true and correct copy of the abstract of votes as returned to this office from the town of Hampton, as the proceedings and result of the general election held in said town on 3d day of November, A. D. 1874, and from which the canvass for said town was made for members of Congress from the second congressional district of Minnesota; and I further certify that no poll-book was returned to me from said town for the election aforesaid.

In testimony whereof I have hereunto set my hand and affixed my seal, at the city of Hastings, this fourteenth day of April, A. D. 1875.

[SEAL.]

MICHAEL HEINEN,
County Auditor, Dakota County, Minnesota.

EXHIBIT 7.—*Election returns from West Saint Paul.*STATE OF MINNESOTA, *Dakota County, ss :*

At an election held at West Saint Paul, in the election-district composed of the township of West Saint Paul, in the county of Dakota, in the State of Minnesota, on the 3d day of November, 1874, the following-named persons received the number of votes set opposite their respective names for the following-named offices, to wit:

For chief justice of the supreme court.—Westcott Wilkin received two hundred and twenty-eight (228) votes; S. J. R. McMillan received one hundred and sixty-seven (167) votes.

For member of Congress.—E. St. Julien Cox received two hundred and sixty-six (266) votes; H. B. Strait received one hundred and twenty-eight (128) votes.

For county auditor.—Michael Heinen received three hundred and nine (309) votes; E. L. Brackett received eighty-four (84) votes.

For associate justice supreme court.—William Lochren received two hundred and twenty-seven (227) votes; F. R. E. Cornell received one hundred and sixty-six (166) votes.

For court commissioner.—J. F. Newton received two hundred and nine (209) votes; Roswell Judson received one hundred and fifty (150) votes; W. H. De Key received twenty-two (22) votes.

For representatives to the legislature.—Thomas Howes received one hundred and sixty-four (164) votes; Nicholas McGree received two hundred and fourteen (214) votes; J. C. McCarthy received three hundred and thirty-four (334) votes; Andrew Keegan received two hundred and sixty-seven (267) votes; F. Merrill received one hundred and ninety-nine (199) votes; John Byers received eighty-seven (87) votes; Porter Martin received one hundred and sixty-seven (167) votes; J. L. Lewis received one hundred and four (104) votes; Moses Bixter received two hundred and thirty-two (232) votes; Oscar Tourson received one hundred and sixty (160) votes; M. McDonald received two (2) votes.

For change of county-line.—Three hundred and seventy-four (374) votes.

Against change of county-line.—Six (6) votes.

Certified by us:

WILLIAM KERN,
HENRY J PETERS,
V. P. BAUDET,
Judges of Election.

Attest:

ROBT. E. A. WITHEY,
RICHARD D. PHACKSTON,
Clerks of Election.

Certificate of county auditor.

AUDITOR'S OFFICE,
Hastings, Dakota County, Minnesota.

I, Michael Heinen, auditor of said county, do hereby certify that ~~the~~ within and foregoing is a true and correct copy of the poll-book ~~and~~ abstract of votes as returned to this office from the town of West Saint Paul, as the proceedings and result of the general election held in said town on the 3d day of November, A. D. 1874, and from which the canvass for said town was made for member of Congress from the second congressional district of Minnesota.

In testimony whereof I have hereunto set my hand and affixed my official seal this fourteenth day of April, A. D. 1875.

[SEAL.]

MICHAEL HEINEN,
Auditor of Dakota County, Minnesota.

STATE OF MINNESOTA, *Dakota County, ss :*

I, William Kern, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

WILLIAM KERN.

Sworn and subscribed before me this 3d day of November, 1874.

MOSES BIXLER,
Justice of the Peace.

STATE OF MINNESOTA, *Dakota County, ss :*

I, Henry J. Peters, do solemnly swear that I will perform the duties of this election according to law, and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

HENRY J. PETERS.

Sworn and subscribed before me this 3d day of November, 1874.

MOSES BIXLER,
Justice of the Peace.

STATE OF MINNESOTA, *Dakota County, ss :*

I, V. P. Baudet, do solemnly swear that I will perform the duties of judge of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuses, in conducting the same: so help me God.

V. P. BAUDET.

Sworn and subscribed before me this 3d day of November, 1874.

MOSES BIXLER,
Justice of the Peace.

STATE OF MINNESOTA, *Dakota County, ss :*

I, Robert E. A. Withey, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

ROBERT E. A. WITHEY.

Sworn and subscribed before me this 3d day of November, 1874.

MOSES BIXLER,
Justice of the Peace.

STATE OF MINNESOTA, *Dakota County, ss :*

I, Richard D. Phackston, do solemnly swear that I will perform the duties of clerk of this election, according to law and the best of my ability; and that I will studiously endeavor to prevent fraud, deceit, and abuse, in conducting the same: so help me God.

RICHARD D. PHACKSTON.

Sworn and subscribed before me this 3d day of November, 1874.

MOSES BIXLER,
Justice of the Peace.

Poll-list for West Saint Paul Township, Dakota County, State of Minn.

List of qualified electors in the election-district composed of the township of West Saint Paul, in the county of Dakota, State of Minnesota for an election to be held in the said election-district on the 3d November, 1874.

The whole number of the following-named persons who were present and voted at the above-named election was four hundred, (400.)

Certified by us:

WILLIAM KERN,
HENRY J. PETERS
V. P. BAUDET,
Judges of Election

Attest:

RICHARD D. PHACKSTON,
ROBERT E. A. WITHEY,
Clerks of Election.

Poll-list.

- | | |
|---------------------|-----------------------|
| 1 Jos. Hare | 37 Henry Rinker |
| 2 C. A. Prescott | 38 J. Lambach |
| 3 J. M. Clark | 39 C. P. Ganglett |
| 4 James Locke | 40 Geo. Arbuckle |
| 5 Wm. Erdman | 41 Jerry Sullivan |
| 6 Wm. A. Torshee | 42 Jerry Griffin |
| 7 Jno. Connolley | 43 Chas. E. Judson |
| 8 Moses Bixler. | 44 Peter Noble |
| 9 Samuel Deering | 45 Jno. Peterson |
| 10 Wm. Dickman | 46 Frank Crawshaw |
| 11 Geo. Watson | 47 Jno. Ramka |
| 12 P. Burke | 48 Jos. Papineau |
| 13 Geo. Fountain | 49 Herman Rankin |
| 14 Nap. Dufour | 50 Walter Burke |
| 15 J. Moriarty | 51 Adam Lossinger |
| 16 E. Hohlfel | 52 Jos. Wright, sr. |
| 17 Rheinart Shank | 53 P. Griffin. |
| 18 Charles Witheral | 54 P. J. Mathews |
| 19 Robt. Withie | 55 Wm. Kunstack |
| 20 Wm. Haskell | 56 Justus W. Clark |
| 21 Louis Touchet | 57 E. Langwin |
| 22 G. Bandett | 58 Theo. Lawton |
| 23 H. Wittmaack | 59 Chas. H. Watson |
| 24 A. Yosk | 60 Ira Bixler |
| 25 J. Lawton. | 61 Wm. G. Allen |
| 26 Thos. Blair | 62 Thos. Wheeler, jr. |
| 27 Wm. Bircher | 63 Jos. Minea |
| 28 Geo. Hartung | 64 Jacob Marseller |
| 29 R. N. Hare | 65 Herman Witha |
| 30 Henry Siever | 66 Philip Rinker |
| 31 Fred. Mousler | 67 Morgan S. Gray |
| 32 T. B. Blair | 68 W. H. Cary |
| 33 Jno. Nagle | 69 Christian Heimback |
| 34 G. N. Doolittle | 70 Archibald Mooney |
| 35 Daniel Lossinger | 71 Andrew Dollway |
| 36 Pat. Lawless | 72 Medine Papineau |

73 Alfred Heinbach
 74 J. S. Bolles
 75 Henri Peifer
 76 Louis Raybould
 77 Jno. Kunasch
 78 Fred. Steinhardt
 79 M. Kuhl
 80 R. B. Graham
 81 Jno. Friden
 82 P. J. Nelson
 83 Henry Johnson
 84 Kraft Stragkbin
 85 Edward Blum
 86 G. Cabana
 87 Edmund Lawless
 88 S. M. Cordon
 89 Michael Ess
 90 Albert Bodette
 91 Alex. Bodette
 92 Daniel Kramer
 93 August Lehman
 94 P. Anderson
 95 Flavius Roberg
 96 Jacob Baker
 97 Jonas Sueider
 98 Jos. Heimbach
 99 Michael Tromater
 100 Geo. Gauthier
 101 Sauer Trangut
 102 O. E. Hoyt
 103 Timothy Ryan
 104 Frederick Rander
 105 Carl Petsch
 106 Jos. Veilet
 107 Henry Fontaine
 108 Chas. Veilet
 109 Jos. Belmont
 110 Paul Hartnagel
 111 Theo. Hartnagel
 112 Sam'l C. Arbuckle
 113 Martin Bruggeman
 114 T. R. Adams
 115 H. D. Winchell
 116 A. W. Martenson
 117 M. Hurley
 118 W. Arbuckle
 119 A. Shurman
 120 Alex. Trenette
 121 Jno. Rigney
 122 Philip Nugent
 123 Edward Devenney
 124 Jno. McCabe
 125 Philip Breckenbach
 126 Alex. Rapiet
 127 Richard D. Thackston
 128 Ed. C. Agnew

129 Jos. Rigner
 130 Thos. Bradey
 131 Jno. Bisinies
 132 E. H. Wood
 133 Ernest Spirzel
 134 F. Spirzel
 135 B. F. Heinbach
 136 G. Heinbach
 137 Noah Lebell
 138 Lary Lebell
 139 Jno. Hurley
 140 Dennis Ryan
 141 Philip Crowley
 142 C. E. Davis
 143 Francis Vanya
 144 K. Ryan
 145 J. W. Imeson
 146 Jno. Warne
 147 J. C. McCarthy
 148 Edward Nagel
 149 Edwin Warne
 150 Chas. Geisman
 151 Daniel Merritt
 152 Dennis McNamarra
 153 Thos. Welsh
 154 Alf. Beaudette
 155 Nick Schwenler
 156 Frank Lockwood
 157 Jos. Lollinger
 158 Chas. Smith
 159 John W. McGrath
 160 Matt. Messineh
 161 Jno. Schefferke
 162 Wm. Hart
 163 Frank Bilke
 164 Ferdinand Ludavick
 165 Wm. Kern
 166 J. Van Booskirk
 167 Patrick Sexton
 168 M. Logan
 169 John Lockwood
 170 John Anderson
 171 Frank Dalgren
 172 And. Anderson
 173 Fred. Krupman
 174 Fred. Kaishner
 175 Jas. Maloney
 176 Fred. Schmidt
 177 Geo. Schickling
 178 F. M. Yager
 179 Joseph Bostin
 180 Gedin Lebelle
 181 John Tocheinsdorfer
 182 M. Griffin
 183 Wm. Weight
 184 James Lawless

185 Henry Eggers
 186 August Huppe
 187 Thos. Hilgers
 188 Patrick McNamara
 189 L. D. Bissell
 190 Jno. Remick
 191 Jos. Cavanagh
 192 Robert Bixler
 193 J. B. Moneyea
 194 Fred. Grant
 195 August Jobst
 196 Jno. Weber
 197 J. W. McGrath
 198 James Birchell
 199 A. McDonald
 200 Adam Rau
 201 Geo. Rau
 202 Martin Corcoran
 203 Alfred Arbuckle
 204 Jos. Heinbach
 205 Richard Bradley
 206 Wm. Trapp
 207 R. Lebill
 208 F. C. Hart
 209 East. Schmidt
 210 Marion Arbuckle
 211 Wm. Griggs
 212 Thomas Wheeler
 213 Jno. Prevean
 214 Wm. Berlandi
 215 Louis Roth
 216 Nils Peter Larsen
 217 Frank Young
 218 Michael Gockstetter
 219 F. A. Leyde
 220 John Kulencamp
 221 Wm. Gravey
 222 Adam Saxe
 223 Alex. Pomah
 224 Charles Meyer
 225 Henry Votel
 226 George Homsuell
 227 Martin Furlong
 228 John Schilligar
 229 Mathias Iten
 230 Fred'k Goldberg
 231 T. W. Goldberg
 232 Jos. Hebert
 233 Benjamin Schuman
 234 Geo. W. H. Bell
 235 James Gordan
 236 Robert Lauderdale
 237 Thomas Daley
 238 W. Boyce
 239 W. E. Clemens
 240 J. B. Dufour

241 Antony Provean
 242 John Clarmont
 243 Gustave Schulze
 244 Jno. Minea
 245 Charles Cranshaw
 246 Wm. Thompson
 247 Jno. Thompson
 248 P. Miller
 249 James Furlong
 250 John Fitzgerald
 251 P. Burke
 252 Peter Phalin
 253 M. Phelps
 254 James Sweeney
 255 G. Schmidt
 256 Charles Burtong
 257 John Reimers
 258 J. H. Shuman
 259 James Dray
 260 Freeman Knight
 261 L. D. Brown
 262 C. H. Lockwood
 263 N. D. Gillett
 264 Jno. Silk
 265 James Hogan
 266 George Blake
 267 Allen Moran
 268 John Kapp
 269 W. R. Smith
 270 James Foley
 271 Joseph Dingley
 272 W. Cook
 273 Michael Daley
 274 H. J. Peters
 275 Burnett Leverman
 276 Kasper Teipel
 277 Frank Dauiel
 278 August Meghert
 279 Nick Karls
 280 George Ellsworth
 281 John Harwick
 282 M. C. Brown
 283 H. D. Orvis
 284 John O. Connor
 285 Peter Freeman
 286 Michael Lynch
 287 Patrick Hogan
 288 Peter Minea
 289 Thomas McCauley
 290 Jos. Silk
 291 Hugh Craig
 292 Edward McDonald
 293 G. H. Walsh
 294 Charles Bell
 295 James Dixon
 296 Jno. Adolphus Roberg

297 Edward Roberg
 298 Valentine Engle
 299 Joseph Wright
 300 Peter Murphy
 301 Pat. Constintine
 302 Daniel Tracey
 303 John Coleman
 304 John Smith
 305 Pat. Osborne
 306 Frank Oday
 307 Patrick Shield
 308 Frank Cavanaugh
 309 J. P. Rhein
 310 Michael McGrath
 311 Joseph Iten
 312 Louis Krohn
 313 Math. Werden
 314 M. Colson
 315 Henry Lopinger
 316 P. D. Winchell
 317 Clement Sadbois
 318 Jacob Phalin
 319 Jacob Phalin
 320 John Lawton
 321 John Noonan
 322 Michael Calvin
 323 H. Deppe
 324 Fred. Buechener
 325 John Bittench
 326 J. B. Bell
 327 Joseph Hurley
 328 Edward Sweeney
 329 John Leonard
 330 James Dunigan
 331 Wm. Hurley
 332 Michael Cooney
 333 A. Crampton
 334 Geo. Acomo
 335 Mark Leonard
 336 James Bucher
 337 Nels. Prux
 338 Samuel Wilson
 339 Charles Balka
 340 Frank Schoenig
 341 Joseph Dufour
 342 Cleophas Fontaine
 343 David McMabon
 344 Thomas O. Dell
 345 Patrick Leonard
 346 Wm. Mooney
 347 J. G. Call
 348 Tubald Mertz

H. Mis. 55—12

349 George Buck
 350 S. D. Lorel
 351 A. E. Messenger
 352 Peter Sortie
 353 Peter Vanlack
 354 J. M. Cooley
 355 J. B. Gasten
 356 Wm. Dixon
 357 A. J. Gillett
 358 Robert Holgate
 359 Wm. Walsh
 360 Peter Tierney
 361 Henry Ballberny
 362 Michael Sexton
 363 O. E. Boston
 364 Michael McNamarra
 365 John Schmidt
 366 Benj. Buck
 367 James Smith
 368 John H. Blaze
 369 Jerry Scanlan
 370 Patrick Malooney
 371 G. Tavernay
 372 Lawrence McNamara
 373 John Gadbois
 374 Edward Jay
 375 Michael Iten
 376 Peter Buck
 377 Patrick Hogan
 378 Dennis O'Reardon
 379 Jas. Bennisl
 380 C. J. Cook
 381 Julius Zamka
 382 Henry Valvemay
 383 Charles Taylor
 384 Michael Dailey
 385 Wm. Smith
 386 Daniel Sullivan
 387 L. Cornick
 388 James Mahoney
 389 Jos. Veillard
 390 Thomas Wallace
 391 John Geharst
 392 E. T. Crocker
 393 Ed. Rolert
 394 George Fertig
 395 James Murphy
 396 Frank McCabe
 397 Frank Dufour
 398 W. A. Sommers
 399 W. H. Caine
 400 Louis Gatzier

Certificate of county recorder.

In the matter of the contested election for a member of Congress the second congressional district of the State of Minnesota, in the House of Representatives of the United States for the Forty-first Congress.

STATE OF MINNESOTA,

County of Scott, ss :

I, D. A. Brown, city recorder of the city of Shakopee, in the county of Scott, and State aforesaid, and a notary public in and for said State, residing in said county of Scott, do hereby certify that the foregoing depositions and documentary evidence were taken before me, and said depositions were written down by me on the 30th day of March, A. D. 1875, at the office of the county auditor of the county of Dakota, in said State, at the city of Hastings, in said county of Dakota, at the time and place mentioned in, and in pursuance of the notice of the taking of the depositions hereunto prefixed, and that both parties to said contest then and there appeared in person, and by their respective attorneys, and took part in the examination of the witnesses who gave the foregoing evidence relating to said matter, and that said witnesses were duly sworn, and gave said evidence under oath, and that after such examination and the taking down in writing of said evidence, it (said evidence) was read to said witnesses, and by them and each of them subscribed at my presence and in presence of both of the parties hereto.

Dated April 2, A. D. 1875.

[SEAL.]

D. A. BROWN,
*City Recorder City of Shakopee, and a
Notary Public Scott County, Minnesota*

Notice to take testimony, March 25, 1875.

ORIGINAL NOTICE—J. HAM. DAVIDSON, *notary public.*

In the matter of the contested election for a member of Congress the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

SHAKOPEE, *March 25, 1875.*

SIR : You are hereby notified that, in pursuance of an act of Congress entitled "An act to provide the mode of obtaining evidence in contested elections, passed the 19th day of February, A. D. 1875, and acts supplementary and amendatory thereof," it is my intention to examine the following-named witnesses at the times and places hereinafter stated, before J. Ham. Davidson, a notary public in and for the county of Ramsey, and State of Minnesota, (residing in said Ramsey County,) duly qualified and authorized to take such evidence and examine such witnesses.

The names of such witnesses are as follows, viz: Adolphus R. Edberg, Edward Roburg, Peter Murphy, Pat. Constantine, Michael McJoseph, Iten, Jacob Phaling, sr., Jacob Phaling, jr., Pat. Maloney, Ward Jay, James Smith, John Schmith, Pat. Osburn, Pat. Shiel, Leonard, Henry Balburney, Henry Valverney, John Schmidt, G.

ney, Pat. Hogan, Joseph Vemish, William Smith, James Mahoney, George Wells, Ed. H. Wood, William Erdman, Henry J. Peters, George Fontaine, Frank Dufour, Joseph Dufour, C. P. Gaudett, Joseph Vailet, Alexander Rapier, Larry Labell, Gideon Labell, R. Labell, Clement Gadbois, Peter Vanack, Dennis C. Reardon, Peter Buck, Benjamin Buck, Nils Prux, Mark Leonard, George Neme, A. Krampton, Michael Cooney, James Durnegan, C. J. Cook, L. Carnick, Edward Rouland, Joseph Witcher, Thomas Odell, William Kern, John Leyde, Frank Lockwood, Napoleon Dufour, John B. Dufour, Joseph Pupman, Charles Vailet, John Basinier, Noah Labell, Joseph Bastian, Anthony Provost, Peter Lartie, John Leonard, Nich. Stuls, August Meyhert, Frank Daniel, James Foley, Wm. Trapp, P. J. Nelson, Dan Sullivan, Moses Bixler, William Thompson.

That the residence of each of the above-named witnesses (so far as known) is what was formerly the town of West Saint Paul, in the county of Dakota, now of the county of Ramsey, in said State of Minnesota.

Also the following-named witnesses residing in the city of Saint Paul, in said county of Ramsey, to wit, Horace Austin, Fred. Driscoll, A. R. McGill, S. P. Jennison.

That the time and place of examination is as follows, to wit: At the office of E. H. Wood, esq., No. 70 Wabasha street in Lewis's building on said street, in the city of Saint Paul, in the county of Ramsey and State aforesaid, on the 31st day of March, A. D. 1875, at one o'clock p. m., on said day, and each succeeding day thereafter (Sunday excepted) until the testimony is taken, and such witnesses examined.

Respectfully,

H. B. STRAIT, *Contestee.*
BROWN AND PECK,
Attorney for Contestee.

To Hon. E. ST. JULIEN COX,
Contestant.

Received copy March 26, 1875.

E. ST. JULIEN COX,
Contestant.

Subpœna.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States for the Forty-fourth Congress.

The State of Minnesota to Thomas Odell, William Erdman, George Wells, Ed. H. Wood, A. R. E. Withey, William Kerue, Henry J. Peters, John Leyde, Frank Lockwood, George Fontaine, Adolphus Roburg, Edward Roburg, Peter Murphy, Pat. Constantine, John Smith, Pat. Osburn, Pat. Sheil, Michael McGrath, Joseph Iten, Michael Iten, M. McAvoy, Pat. Leonard, John Leonard, Henry Balberney, Henry Valverney, John Schmidt, James Smith, G. Tourney, Edward Jay, Joseph Vernish, William Smith, L. Carnick, James Mahoney, Edward Rouland, Dennis C. Reardon, Peter Buck, Benj. Buck, Nels. Prux, Mark Leonard, George Nemo, A. Krampton, Michael Cooney, James Durnegan, Nick. Kals, August Meyhert, Frank Danil, James Foley, L. J. Nelson, Dan Sullivan, Moses Bixler, William Thompson:

You and each of you are hereby commanded and required to be and appear before the undersigned, a notary public, in and for the State aforesaid, (residing in Ramsey County,) at the office of E. H. Wood, esq., No. 70 Wabash street, in Lewis's building on said street, in the city of Saint Paul, in the county of Ramsey and State aforesaid, on the thirty-first day of March, A. D. 1875, at 10 o'clock a. m. on said day, to give evidence on behalf and in favor of the returned member from said district, to wit, the Hon. H. B. Strait, and against the contestant, to wit, the Hon. E. St. Julian Cox.

Given under my hand this 25th day of March, A. D. 1875.

[SEAL.]

J. HAM. DAVIDSON,

Notary Public, Ramsey County, Minnesota.

Proof of service.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States, for the Forty-fourth Congress.

STATE OF MINNESOTA,

County of Ramsey, ss :

Edward H. Wood, being first duly sworn, makes return and says, that on the 25th day of March, A. D. 1875, at the request of the Hon. H. B. Strait, he accepted of the within subpœna, for the purpose of making due service of the same upon the persons therein named, that they might appear before J. Ham. Davidson, esq., a notary public within and for said county, as in said subpœna commanded and required ; that on said 25th day of March, A. D. 1875, he served said subpœna by reading the same to, and leaving a true and correct copy, together with the legal fees, with the following named persons, to wit : William Erdman, Frank Lockwood, George Wells, Thomas Odell, W. E. Withey, M. McAvoy, Peter Buck, Benjamin Buck, Moses Bixler, H. J. Peters, William Kern, and William Thompson ; and, also upon the following-named persons not in said subpœna named, to wit : O. P. Whitcomb, R. N. Hare. and John Leyde ; and does further depose and return that he has made diligent search and inquiry, both within what constituted the election precinct of West Saint Paul, at the last general election, and elsewhere, but was unable to find either or any of the following-named persons, or that any such persons had ever resided within, at any time, said election-precinct of said West Saint Paul, to wit : Joseph Iten, Adolphus Robourgh, L. J. Nelson, Dan. Sullivan, Peter Murphy, Pat. Constantine, Pat. Osborne, John Smith, Pat. Schiel, Michael McGrath, Pat. Leonard, Henry Valverny, John Schmidt, James Smith, G. Tourney, Edward Jay, Joseph Vernish, Wm. Smith, S. Cornick, Daniel C. Reardon, Mark Leonard, Geo. Nemo, A. Krampton, Michael Cooney, James Durnegan, John Leonard, Frank Danil, James Foley, Nick Kals, Nils Prux, Aug. Meyert, Edward Roburg, and hereby returns no service upon them.

EDWARD H. WOOD.

Subscribed and sworn to before me this third day of April, A. D. 1875.

Notary Public, Ramsey County, Minnesota.

Deposition of Robert Withy.

In the matter of the contested election for a member of Congress from the second congressional district, State of Minnesota, in the House of Representatives of the United States, for the Forty-fourth Congress.

Testimony taken on behalf of H. B. Strait, contestee, before J. Ham Davidson, notary, at the office of E. H. Wood, esq., No. 70 Wabashaw street, in Lewis's building, pursuant to the notice hereto attached, dated March 25, 1875, and personally served on the contestant and service admitted by copy March 26, 1875.

SAINT PAUL, *March 31, 1875—1 p. m.*

Present, H. B. Strait, contestee, in person, and by his counsel, Hon. Horace Austin and H. J. Peck, esq. The contestant did not appear in person or by counsel.

The following witnesses appeared and were duly sworn and examined as follows:

STATE OF MINNESOTA,

County of Ramsey, ss :

ROBERT WITHY, being first duly sworn, deposes and says:

My name is Robert Withy.

Question. Where do you reside?—Answer. West Saint Paul.

Q. Were you present at the last general election at West Saint Paul, then a part of Dakota County, held on the 3d of November, 1874, at the place of voting?—A. Yes.

Q. In what official capacity were you acting on that day, if any?—A. Clerk of the election.

Q. Witness shown poll-list of West Saint Paul and asked to state if that is the poll-list used at that election.—A. Yes.

Q. In whose handwriting are the names that appear upon it?—A. In mine and Mr. Thackston's, I think. I believe he wrote part of them. I think he wrote twenty-one names on this list. These names were placed on the list as they voted. They gave their names to the judges and the judges called their names and I wrote them down. There are no names of persons on this list except of persons who voted at that election. I have resided in West Saint Paul between five and six years, and I follow the printing business in the city of Saint Paul. I have become acquainted with the residents in some localities. I do not know Pat. Constantine, Peter Murphy, Michael McGrath, Jacob Phaelin, Matt Maloney, Joseph Iten, Edward Jay, James Smith, John Schmith, Pat. Osborn, Pat. Schiel. As to Pat. Leonard, I think he is the man who came a second time to vote and gave another name, and I do not know him to be a resident of West Saint Paul. I do not know Henry Balburney, Henry Valburney, John Schmit, G. Touerney, Joseph Vennish, William Smith, Dennis C. Beardon, Nils Prux, Mark Leonard, George Nemo, A. Crampton, Michael Corney, James Dunegan, L. Cornick, Nick Kals, August Megbert, Frank Daniel, James Foley, P. J. Nelson. I know Edward Routard, and a few weeks before the election he told me he was not of age. Persons voted under the names mentioned heretofore where such names appear upon the list. (Witness shown a paper which he says is the returns made of that election for West Saint Paul. According to this return E. St. Julian Cox received 266 votes and H. B. Strait 128, total 394 for member of Congress from second congressional district. At that election the question of annexing a part of West Saint Paul to

the city of Saint Paul was being voted upon and absorbed all other questions of interest. The sentiment in favor of annexation was almost unanimous, there being 374 votes for annexation and 6 against, and some who did not vote. Many votes were challenged and refused. A number of votes were refused because they offered to vote a second time and some because they offered to vote for their brothers who were absent. One persistently offered to vote for his son who was absent. I know of some who were not allowed to vote at all because they were non-residents. I know of one who offered to vote and who resided in Washington County; he had lived there before.

ROBT. E. N. WITHY.

Subscribed and sworn to before me this March 31, 1875.

J. HAM DAVIDSON,
Notary Public.

Deposition of Edward H. Wood.

STATE OF MICHIGAN,
County of Ramsey, ss :

EDWARD H. WOOD, being first duly sworn, deposes and says:

My name is Edward H. Wood. I reside in the city of Saint Paul at present; that part which was formerly West Saint Paul. I have lived there about eight years. I heard the evidence of the last witness examined, Mr. Withy. The names of the persons he gave as having voted in West Saint Paul at that election appear upon the poll list used at that election November 3, 1874. I was present at that election. I have been dealing in real estate and practicing law ever since I lived there, and have been town clerk of the town, prior to annexation, some four or five terms. From my acquaintance there, I know most all the legal voters of West Saint Paul. I have lived in the village all the time that I have resided there for eight years last past, and have had good opportunity to know nearly everybody in the township and in the village; have almost always been at the elections. I have attended every election since I lived there, and have generally been clerk. To my knowledge I don't think any of the parties named in Withy's evidence were residents of West Saint Paul, the time of the election. I feel quite certain they were not voters there. I know there is such a person as Nemo, whom I am informed lives in the Second ward, Saint Paul. West Saint Paul is now the Sixth ward. As to Henry Balburney I am not certain as to his residence. He had formerly lived there but at the time of the election I understood his family lived in the city of Saint Paul. I knew a man by the name of Sullivan who was there electioneering on election day; don't know whether he voted or not, and do not know his first name; did not know him to be a voter there. Such a name as John Leonard appears upon the poll-list, but I did not know any such person as a resident of West Saint Paul on the 3d of November. I know nearly every other name upon the poll-list except those referred to. I find the name of Andrew Dolway on the poll-list, and I know no such person residing in West Saint Paul. I find the name of S. M. Cordon on the list, and I do not know him to be a resident. I find the name of Joseph Iten on the list, and I was informed by his uncle, who is his guardian, and with whom he has lived that he was not of age and was not a resident of West Saint Paul at the time of the

election. I also find the name of Peter Buck on this poll-list, and I am informed that he was not of age at the time of the election. I subpoenaed the witnesses on behalf of the contestee, Major Strait. I had subpoenas for all of the parties whose names have been given as being non-residents. I was not able to find any of them or to learn of the whereabouts of any of them except Henry Balburney; heard he was living in the township of West Saint Paul, but did not get service on him on account of the bad condition of the roads. Of the list of thirty-four names mentioned as having voted and not being residents, if they or any considerable number of them still lived there I would have heard of them or found them in the search I have made.

Witness is shown the abstract of the return of votes from West Saint Paul, and asked to refresh his memory concerning the number of votes returned as cast for member of Congress, and is asked to state, in his opinion, if the parties named in the list of 34 voted for member of Congress, for which one of the candidates they voted?—Ans. From my knowledge of the inhabitants, and their politics and the number of votes received by Mr. Strait, it is my opinion that the entire number voted for Mr. Cox. I refer to the number of 34, whom I do not know as residents of West Saint Paul, and whom I regard as non-residents or fictitious persons. I know Jerry McCarthy of the city of Saint Paul. I know that he was interested in the annexation to Saint Paul and in his own election to the legislature. He is a democrat, and is the most active politician we have in West Saint Paul, and took a very active part in the election.

EDWARD H. WOOD.

Subscribed and sworn to before me this 31st day of March, A. D. 1875.

[SEAL.]

J. HAM. DAVIDSON,
Notary Public.

Deposition of Robert Withy (recalled.)

ROBERT WITHY recalled.

I became clerk of the election because Mr. George W. H. Bell requested me to act as clerk on the evening before election. On the evening before the election I was introduced to Mr. Jerry McCarthy and he was told that I was going to act as clerk of the election on the next day, and in the course of a long conversation he told me he had a load or two of boys from the city (meaning Saint Paul) who would be brought over the next day to vote. There were several men from this side of the river, I mean the city of Saint Paul, who were quite active in working at the polls that day in favor of annexation; Mr. McCarthy worked at the polls all day.

There are the names of two Michael Dailys on this poll-list; there is one Michael Daily living in West Saint Paul whom I know, don't know whether he was of age or not. His father was named Thomas Daily. One of the two Michael Dailys who voted was said to be the uncle of the younger one and a resident of the city of Saint Paul. To the best of my knowledge and on information since received, I believe he was

then a resident of the Fourth ward of the city of Saint Paul. I am a printer by trade, working in the office of the Saint Paul Pioneer.

ROBT. E. N. WITHY.

Subscribed and sworn to before me this 31st day of March, A. D. 1875.

J. HAM. DAVIDSON,
Notary Public.

Deposition of William Kern.

STATE OF MINNESOTA, *County of Ramsay :*

WILLIAM KERN being first duly sworn, deposes and says :

My name is William Kern. I was one of the judges of election at the last general election in West Saint Paul, November 3, 1874; I was there all day except perhaps a half hour at dinner time. I have lived in West Saint Paul over twenty years; went there in 1854. I heard the evidence of Mr. Withy. I have attended most of the elections and have been judge of the election several times, have had opportunity to get acquainted with most of the residents; I have a general knowledge of the old residents, but there are some of the new settlers that I don't know. I don't know any of the persons in the list of names mentioned by Mr. Withy. I do not know John Leonard or Andrew Dolbary. I do know one Michael Daily. I do not know a Michael Daily said to be uncle of the one living in West Saint Paul. Michael Daily and his father Thomas Daily are the only Dailys I know residing in West Saint Paul. They are democrats. I recollect three parties who offered to vote twice at that election; one was Patrick Sexton, and another was Michael McNamara, and the other was O'Shay. I subsequently learned that a man voted under the name of Foly and he afterward voted under the name of James Griffin; when I saw him vote the second time, I remarked to him: "I believe you voted here before." He denied it, and I told him not to make his appearance again, and one of the judges remarked that he had voted three or four times, and he was voting on annexation and it was all right. I had seen the man before, but was not acquainted with him. I am satisfied he was a democrat. From an examination of the poll-list his name first appears as Jerry Griffin, No. 42. From my long residence and acquaintance in West Saint Paul I do not think any considerable number of the 36 whose names have been mentioned could have been residents of West Saint Paul without my knowing it. These names were taken just as the parties offered their votes, but we did not refer to the original corrected poll-list unless there was a challenge; annexation was the principal question that day. There was quite a number of men from the city of Saint Paul about the polls that day working and manifesting an interest in favor of annexation. There were several voted there that I did not know, but that I did not think lived in West Saint Paul; I can't remember now the names under which they voted. From my knowledge of the inhabitants and the political complexion of the community, I believe Cox received the fraudulent votes of these non-resident voters. I know Mr. Cox personally; heard him speak before the election. I saw him to-day on the side-walk in front of the building in which this evidence is being taken, but he did not come into this room; it was a few minutes after that I saw him. I mean E. St. Julien Cox, the candidate for Congress.

Question. From your knowledge of the number of votes heretofore

cast in West Saint Paul, do you suppose this list of thirty-six votes includes all the bogus or illegal votes cast at that election?—Answer. I should think not.

WILLIAM KERN.

Subscribed and sworn to before me, this 31st day of March, 1875.

[SEAL.]

J. HAM. DAVIDSON,
Notary Public.

Deposition of Henry J. Peters.

STATE OF MINNESOTA, County of Ramsey, ss :

HENRY J. PETERS, being first duly sworn, says :

My name is Henry J. Peters, and I was one of the judges of election at the last general election held at West Saint Paul, November 3, 1874. I was present all day, except about a half-hour that I was gone to dinner. I have resided in West Saint Paul about eighteen years; am a house carpenter by occupation. I am acquainted with nearly all the voters and residents of West Saint Paul. I heard the testimony of Mr. Withy, and the list of names mentioned by him in his evidence. I think I know Jacob Phalin, jr.; he resides in the township of West Saint Paul. I know two persons who answered to the name of Jacob Phalin. I know Balburney, but I do not know the others whose names were mentioned, and which appear on list now shown me, marked Exhibit A, and hereto attached. I know that young Michael Daily gave in the name of another Michael Daily, who he said was his uncle, and such a person presented himself and voted under that name, and young Daily, who was then present, identified him as his uncle. I only knew one Michael Daily residing in West Saint Paul at the time of the election. I think those Dailys are democrats.

Question. From your long residence and acquaintance in West Saint Paul, if these parties whose names appear in Exhibit A were residents and voters there, would you have known them?—Answer. I think I would have known some of them. I have not made the acquaintance of any of them since election, and have not heard of them. I knew several persons who offered to vote more than once at that election. Old man McNamara and Edward Sweeney and Jerry Griffin and several strangers, whose names I do not recall, offered to vote more than once. I think these parties were all democrats. I don't know that I detected any one who actually voted twice. From my long residence there and acquaintance generally with the political complexion of the community, I think these non-resident fraudulent voters voted principally for Cox. There was a good deal of interest generally on both sides of the river on this question of annexation, and no one was excluded from voting unless there was a challenge interposed by some outside party. There were some there I noticed on election day as strangers; men with whom I was not familiar. There was no question of citizenship raised with men speaking English brokenly, who were evidently men of foreign birth.

Q. Do you think Exhibit A includes all of the illegal and fraudulent votes that were cast there that day?—A. No; I do not. I think there were a number of others who have not been ascertained.

HENRY J. PETERS.

Subscribed and sworn to before me, this 31st day of March, 1875.

[SEAL.]

J. HAM. DAVIDSON,
Notary Public.

Deposition of Frank Lockwood.

STATE OF MINNESOTA,

County of Ramsey, ss :

FRANK LOCKWOOD, being first duly sworn, deposes and says :

My name is Frank Lockwood. I live in the town of West Saint Paul, in the present township, not in the part annexed to the city of Saint Paul. Before the annexation all of West Saint Paul was in Dakota County. I am now the town clerk of the township of West Saint Paul, and have been since December 2, 1874. The papers of the township were turned over to me as town clerk. I was present a few moments at the last general election in West Saint Paul; was there long enough to vote. I have resided there four years. (Witness is shown the abstract of votes for the general election, November 3, 1874, township of West Saint Paul, Dakota County, and identifies it as one of the papers turned over to him when he entered upon duty as town clerk.) Among other papers turned over to me was a large package of ballots from different elections. I assorted them as best I could, and filed them, and have with me the ballots cast at the last general election in West Saint Paul. I have carefully inspected them to-day to ascertain how many of them had on them the name of E. St. Julien Cox for member of Congress, and I find his name on 259 of these ballots. None of them have been destroyed since they came into my hands. I usually vote the democratic ticket. I have resided at West Saint Paul about four years. I do not profess to know all the voters in West Saint Paul.

FRANK LOCKWOOD.

Subscribed and sworn to before me this 31st day of March, 1875.

[SEAL.]

J. HAM. DAVIDSON,

*Notary Public.**Deposition of William Erdman.*

STATE OF MINNESOTA,

County of Ramsey, ss :

WILLIAM ERDMAN, being first duly sworn, deposes and says :

My name is William Erdman. I live in West Saint Paul, the present Sixth ward of the city of Saint Paul; lived there since the spring of 1870. I am deputy postmaster of West Saint Paul, and have charge now, and have had of the post-office since April 1, 1873. It is the only post-office in West Saint Paul. I have heard the evidence of all the witnesses examined to-day, or the majority of it. I have heard the names which have been testified to by witnesses, same as on Exhibit A. I know some of the parties whose names appear on that exhibit. I know Joseph Iten, Edward Routard, and I know Jacob Phalen, who is marked jr. on the list, but there is no sr., and he ought to have been marked No. 2.

I do not know any of the other parties. They are strangers to me. I doubt whether Jacob Iten is a legal voter, and I regard him as a minor, and a non-resident, and did at the time of the election. I know that he was at that time a non-resident in West Saint Paul. Edward Routard is a school teacher in West Saint Paul, and I regard him as a minor. At the city election held since the general election he refused to vote, on the ground that he was not of age. I know Jacob Phalen to be a resident and legal voter. I know one Michael Daily who lives in West Saint Paul. If there was another there, who had lived there long enough to be a voter, I think I would have known him.

Question. From your acquaintance there, if there was any considerable number of these thirty-six who lived there, would you not probably have known them?—Answer. I am quite certain I would have known some of them.

Q. Have you any opinion who these fraudulent voters voted for for congressman?—A. No; I have not. On party vote over there it is pretty close, generally, only the legal voters being counted.

WILLIAM ERDMAN.

Subscribed and sworn to before me this 31st day of March, 1875.

[SEAL.]

J. HAM. DAVIDSON,
Notary Public.

Deposition of Robert Hare.

STATE OF MINNESOTA,

County of Ramsey, ss:

ROBERT HARE, being first duly sworn, deposes and says:

My name is Robert Hare. I reside in the town of West Saint Paul, now city of Saint Paul; have lived there about five years. I never lived in any other town in the county. I am acquainted with men living in the town of Mendota, which is an adjoining town in Dakota County. I was present at last general election held in West Saint Paul, November 3, 1874. I was there most of the time while the polls were open. I knew of five men voting at West Saint Paul that day who lived at the time in Mendota. I think it would be impossible for me to give their names; they were four Germans and one Swede; they voted with me, and the ticket I peddled that day was the democratic and liberal-republican ticket. I think they voted the democratic ticket. I furnished them with tickets. I knew of three others beside the five mentioned from Mendota, who voted at West Saint Paul, who did not live there; their residences were all in the city of Saint Paul, in Ramsey County. One of the three was a man named McAvoy, living in Saint Paul; I believe they call him Pat McAvoy, and he lives in Second ward, Saint Paul; I believe he is a democrat. As near as I can judge the other two were without politics, so far as I know. One of the other two was L. Cormick, and the other's name is on the poll-list but not on Exhibit A; it is Edward C. Agnew; there were others that voted that I knew were not residents of West Saint Paul, or at least I never saw them there, and I have not learned their names. I have always belonged to the democratic clique, and was in the democratic convention, as a delegate, that nominated Mr. Cox; have seen him here in front of this building to-day. I only know of three minors who voted over there that day.

The attention of witness is called to names on Exhibit A, and asked to state how many of them to his knowledge were legal voters in West Saint Paul, at last general election.—Answer. There is only three of the thirty-six that I know personally.

Q. If the balance of them on that list had lived there, would you not probably have known them?—A. Ain't certain, as there are many persons whom I know, but whose names I could not tell. There were quite a number of Saint Paul men over there that day who took an active interest in annexation. There wasn't any one there taking any very active part for Strait that day. I was selling whisky myself that day, was keeping a saloon, and at night when I counted the money I noticed there

wasn't any Strait money in the drawer. I don't know what name Patrick McAvoy voted under in West Saint Paul. It was about quarter past one to-day that I saw Cox in front of this building.

ROBERT HARE.

Subscribed and sworn to before me this 31st day of March, 1875.

[SEAL.]

J. HAM. DAVIDSON,
Notary Public.

Deposition of Moses Bixler.

STATE OF MINNESOTA,

County of Ramsey, ss :

MOSES BIXLER, being first duly sworn, deposes and says :

My name is Moses Bixler. I live in West Saint Paul, and was a justice of the peace there at the time of the last general election. I have lived in the township since 1853, and in the village four years. I am pretty well acquainted with the voters in the township. I was present at the last general election, November 3, 1874 ; was around most all day, though not at the polls all day. It was a large and somewhat exciting election. I saw quite a number there who were manifesting an interest and taking a somewhat active part, and who probably voted, whom I did not recognize as residents there.

Attention of witness called to the list, Exhibit A, and he says he don't know that he is acquainted with any of them. Two of them, George Nemo and Agnew, I recognize as persons whom I know, and who were at that time residents of Ramsey County.

Question. If any considerable number of the balance of that list, Exhibit A, had lived over there and had been voters there, would you not have known them ?—A. I think I should have known them. I think I know some men who were of foreign birth who voted over there, and who had never taken out their papers, but whose names it is now impossible for me to give. One German man spoke to me about getting his first papers, and who voted, but I think did not get his first papers before voting.

Peter Buck, whose name is on the list as having voted, is a minor, and was at the time of the election.

I administered the oath to the judges and clerks of election on that day, November 3, 1874.

MOSES BIXLER.

Subscribed and sworn to before me this 31st day of March, 1875.

[SEAL.]

J. HAM. DAVIDSON,
Notary Public.

Deposition of W. Thompson.

STATE OF MINNESOTA,

County of Ramsey, ss :

W. THOMPSON, being first duly sworn, deposes and says :

I live in West Saint Paul ; lived there since 1853 ; lived in the village since 1857. I know a good many of the voters over there. I was at the

last general election in West Saint Paul long enough to vote. I have heard the evidence and the names on Exhibit A. I know the Phalins and also Balburney. The Phalins resided there in the township. Balburney had lived there before, but he lives outside now. He has a wife, but I don't know whether or not she was there at time of the election. I know Peter Buck and Joseph Iten, whose names are on the list. I think they were both under age at the time of the election. If any considerable number of those whose names are on the list had resided there and been voters at the time of the election I think I would have known them. I know Nemo and Agnew on this list, but don't know the rest of them. I know a Michael Daily, who lives on this side of the river. I believe he is a relative of those living over there. I have known him to live here, but I never knew him to live over there. Nemo, at the date of the election, I believe, lived in Second ward of the city of Saint Paul. Daily, I think, lived in the Fourth ward. The Dailys on the other side, I think, generally voted the democratic ticket. I generally split my ticket.

WILLIAM THOMPSON.

Subscribed and sworn to before me this 31st day of March, 1875.

[SEAL.]

J. HAM DAVIDSON,

Notary Public.

Deposition of Thomas Odell.

STATE OF MINNESOTA,

County of Ramsey, ss:

THOMAS ODELL, being first duly sworn, deposes and says:

My name is Thomas Odell. I live in West Saint Paul, and have lived there since 1850. I am generally acquainted with most of residents and citizens of West Saint Paul, unless it is those who came in late. I was at the last general election held in West Saint Paul, November 3, 1874. I was not there all day. I have heard the testimony of witnesses relative to a number of illegal votes cast there that day and contained in Exhibit A. I know several of the persons whose names are on this list. I know Joseph Iten, and Agnew, and I know one Michael Daily. That is all I know. Joseph Iten was not a resident of West Saint Paul at that time, I think. He resided at La Sueur, in La Sueur County, I think. Mr. Agnew resides up above the Seven Corners, in the Fourth ward of the city of Saint Paul. Excepting those I have named of those on Exhibit A, I do not know any of them to be residents and legal voters of West Saint Paul. From my acquaintance and long residence in West Saint Paul, if any considerable number of them had been residents and legal voters there I think I should have known them. I am intimately acquainted with this Joseph Iten, and he is a democrat, I believe. I noticed a good many people from Saint Paul over there on election-day.

Question. From your knowledge of parties and political complexion over there, to the best of your judgment, for whom were these illegal votes over there cast for member of Congress? For Cox or Strait?—
Answer. To the best of my knowledge they were cast for Mr. Cox.

THOMAS ODELL.

Subscribed and sworn to before me this 31st day of March, A. D. 1875.

[SEAL.]

J. HAM DAVIDSON,

Notary Public.

Deposition of George A. Wells.

STATE OF MINNESOTA,
County of Ramsey, ss :

GEORGE A. WELLS, being first duly sworn, deposes and says :

I reside in West Saint Paul. Lived there little over a year, and in the county since 1861. I know the vote that was cast in West Saint Paul for governor at the general election, fall of 1873. To the best of my knowledge, Asa Barton received 124 or 125 votes on the democratic ticket, and C. K. Davis on the republican ticket received 83. I was a candidate that fall on the democratic ticket for the legislature, and I believe my vote was 118. The vote polled last fall in West Saint Paul was 400. I don't think there has been any increase in the voting population proportionate to the difference between the votes for years 1873 and 1874. I have heard the testimony of the witnesses in regard to the names that appear on Exhibit A. I am not acquainted with any of them, and never heard of any of them except Mr. Balburney. I have heard of him, but know nothing about any of the rest of them. Within the last ten days I have made diligent inquiry of the citizens of West Saint Paul to ascertain if the persons whose names appear on this Exhibit A were residents and legal voters at the time of the last general election, and the result is that I am satisfied there was not any such persons resided in the town at that time. I don't even know the few that have been mentioned to-day as residents. From my knowledge and acquaintance in West Saint Paul, if these parties whose names appear on Exhibit A had been residents and voters there, I should probably have known some of them. I notified Mr. McAvoy to appear here to-day to testify, but he refused to do so. Notified him at request of contestee. I know E. St. Julien Cox. I saw him to-day about 1½ p. m., at the foot of the stairs of this building. Had no conversation with him except that I spoke to him.

GEORGE A. WELLS.

Subscribed and sworn to before me this 31st day of March, 1875.

[SEAL.]

J. HAM DAVIDSON,
Notary Public.

At 6 p. m., March 31, 1875, the further taking of testimony herein is adjourned to 10 a. m., April 1, 1875, at the same place.

[SEAL.]

J. HAM DAVIDSON,
Notary Public.

SAINT PAUL, MINNESOTA,
April 1, 1875—10 a. m.

The taking of testimony resumed at the same place and the hour designated, pursuant to adjournment.

Present, H. B. Strait, contestee, and his counsel, Hon. Horace Austin and N. J. Peck ; no one appearing for contestant.

Deposition of C. F. Solberg.

STATE OF MINNESOTA,
County of Ramsey, ss :

C. F. SOLBERG, being first duly sworn, deposes and says :

My name is C. F. Solberg. I reside in the city of Saint Paul, and am assistant secretary of state, and have held that position since the 6th of

March, 1872. There is a county in Minnesota known and recognized by the State authorities as Kandiyohi. That county now embraces the territory formerly embraced in the counties of Monongalia and Kandiyohi. That county, Kandiyohi, has been so recognized by all the State departments since the fall of 1870. I mean that the executive, legislative, and judicial departments of the State have, and do, so recognize that county. Since 1st of January, 1871, the State departments have not recognized any such county as Monongalia. I have, in the office of the secretary of state, a record showing the vote of the county of Kandiyohi on the question of consolidation. I have the return here, (which witness produces.) The record shows "for consolidation" 343 votes; "against consolidation," 82 votes. The date of this abstract, from which I give these figures, is November 14, 1870. It is the abstract of the vote cast in Kandiyohi County at the general election held November 8, 1870. I have in my possession a paper purporting to be a full and correct copy of the abstract of the votes cast in Monongalia County at the general election of 1870, upon the question of consolidation of said county with Kandiyohi, signed "William W. Pinney, county auditor," dated November 14, 1870. From this paper it appears that there was "for consolidation" 318 votes, and "against consolidation," 203 votes. I have with me the abstract of the vote for member of Congress, made by the State board of canvassers for member of Congress from the second congressional district of the State of Minnesota, November 3, 1874. From this vote it appears that the vote for member of Congress cast in the town of New Auburn, in Sibley County, was, for H. B. Strait, 71; for E. St. Julien Cox, 19. Since the 1st of January, 1871, there has not been any pretended organization known as Monongalia County, and there has been no returns or pretended returns for any such county since 1871.

C. F. SOLBERG.

Subscribed and sworn to before me this 1st day of April, 1875.

J. HAM DAVIDSON,
Notary Public.

The contestee offers in evidence two certificates, hereto attached, and marked, respectively, "Exhibit B" and "Exhibit C."

The contestee also offers in evidence a certified copy of the governor's proclamation of consolidation of counties of Kandiyohi and Monongalia, dated December 12, 1870, and hereto attached, and marked "Exhibit D."

Deposition of Frederick Driscoll.

STATE OF MINNESOTA,

County of Ramsey, ss :

FREDERICK DRISCOLL, being first duly sworn, deposes and says:

My name is Frederick Driscoll. I live in Saint Paul; have lived here since 1862. I have been and still am engaged in the publishing business; have been publishing the Saint Paul Daily Press since March 1, 1863. In December, 1870, on the 13th of said month, there was published in the Saint Paul Daily Press the proclamation of the governor proclaiming the consolidation of the counties of Monongalia and Kandiyohi. It was published three times in the Saint Paul Daily Press, for three consecutive days beginning 13th December.

(Witness produces a copy of the Saint Paul Daily Press dated December 13, 1870, containing the governor's proclamation, which is offered in evidence and hereto attached, and marked "Exhibit E," and made a part of this deposition.)

FREDERICK DRISCOLL.

Subscribed and sworn to before me this 1st day of April, A. D. 1875.
[SEAL.]

J. HAM DAVIDSON,
Notary Public.

Deposition of Horace Austin.

STATE OF MINNESOTA,
County of Ramsey, ss :

HORACE AUSTIN, being first duly sworn, deposes and says:

My name is Horace Austin. I was governor of the State of Minnesota during the year 1870.

Witness is shown Exhibit D, and says it is a certified copy of a proclamation which I issued, as governor of Minnesota, on the 12th day of December, 1870. This proclamation was based upon official returns of the vote on the adoption of the acts referred to in the proclamation. I caused this proclamation to be published in the Saint Paul Daily Press of the issue of December 13, 1870. I continued to be governor of the State of Minnesota until my successor qualified, in January, 1874. After the issuing of that proclamation Kandiyohi County was always treated and considered as embracing all the territory formerly known as Monongalia County, and Monongalia ceased to have any political existence as such. Since then (January, 1871) there has not been and is not now any organization or pretended organization claiming existence in this State as Monongalia County. I know E. St. Julien Cox, the contestant. I saw him to-day enter the hall below, in this building, and a few moments after I met him on the sidewalk, going toward the State Capitol building. This was a short time before 10 o'clock a. m.

HORACE AUSTIN.

Subscribed and sworn to before me this 1st day of April, A. D. 1875.
[SEAL.]

J. HAM DAVIDSON,
Notary Public.

Deposition of A. R. McGill.

STATE OF MINNESOTA,
County of Ramsey, ss :

A. R. MCGILL, being first duly sworn, deposes and says:

My name is A. R. McGill. I live in the city of Saint Paul. I am insurance commissioner of the State of Minnesota. From January, 1870, to December, 1873, I was private secretary of the governor, and since that time I have been insurance commissioner. I had occasion to inspect the official returns from the counties of Kandiyohi and Monongalia of the general election held November 8, 1870, on the question of the consolidation of the counties. I found that the proposition submitted by act of the legislature of previous winter providing for the consolidation of those counties was ratified by a majority vote in each county. Based

on the results of the votes in both counties, showing that the consolidation had been ratified, I prepared a proclamation for the governor to sign, proclaiming the consolidation, which was signed officially, and by orders of the governor it was placed in the hands of the publishers of the Saint Paul Daily Press for publication. Since that proclamation there has not been any such county as Monongalia, but it is all embraced in the county of Kandiyohi.

A. R. MCGILL.

Subscribed and sworn to before me this 1st day of April, 1875.

[SEAL.]

J. HAM DAVIDSON,
Notary Public.

The further taking of evidence herein is adjourned to 2 p. m. April 2, 1875.

[SEAL.]

J. HAM DAVIDSON,
Notary Public.

At 2 p. m., April 2, 1875, the taking of evidence herein was resumed, pursuant to adjournment. Present, Horace Austin, counsel for contestee, and E. St. Julien Cox in person, and H. B. Strait, when the following witnesses were sworn and examined:

Deposition of O. P. Whitcomb.

STATE OF MINNESOTA,

County of Ramsey, ss :

O. P. WHITCOMB, being first duly sworn, deposes and says:

My name is——

(The contestant objects, protests, and excepts to any testimony being taken at this date under the notice served upon him, for the reason that the time in which he is allowed to take his testimony, to wit, the forty days, have not yet expired, and for the further reason that it does not appear that Horace Austin is governor of the State of Minnesota, and that O. P. Whitcomb was not auditor at the time that the notice was served upon the contestant.)

My name is O. P. Whitcomb.

Question. Do you occupy any official position in the State government; and, if so, what?

(The contestant objects because there is official evidence of his election, qualification, and his being State auditor of the State of Minnesota; and, therefore, that the testimony that is offered is incompetent.)

Answer. I am auditor of the State of Minnesota.

Q. Do you, as auditor, receive, in the general course of your official business, reports from the officers of the various counties of the State?

(Question objected to for the reason that nothing appears that Mr. Whitcomb is entitled to receive any canvass of votes made in the State of Minnesota.)

A. I do. I receive reports from the auditors of all the counties in the State.

Q. How often?

(Objected to, for the reason that the returns show, if there are any, how often those returns are made.)

A. I receive returns of the three settlements made during the year, and

returns of the assessment of property for taxation, and the tax-list. These are the regular returns made in each year.

Q. How long have you been acting as auditor of State?

(Objected to for the reason that there is a record of your election and qualification in the office of secretary of state of the State of Minnesota.)

A. Since the 13th of January, 1873.

Q. Within that time have you received any returns from the county auditor or any other officer of the county of Monongalia or any territory bearing that name as a county?

(Objected to for the reason that it does not appear that there is any such county in the State of Minnesota, and it is not shown by any evidence in this contest that there is any such county in the second congressional district of the State of Minnesota.)

A. I have not.

Q. Are there any reports made from or dealings with any such county with your department or any other department of the State government to your knowledge, or is there any recognized county of Monongalia in the State of Minnesota?

(Objected to for the reason that if there are any returns of any kind they are in writing, and this evidence is incompetent.)

A. No.

Q. Or has there been since you entered upon the duty as auditor?

(Same objection as above.)

A. No.

Cross-examination under protest:

Q. Have you anything in your office to show there is such a county as Monongalia?—A. No. But I have an old map showing that there was such a county at some time.

Q. As State auditor, can you tell whether there is any such county in the State as Monongalia?—A. I am not aware of there being any such county in the State.

O. P. WHITCOMB.

Subscribed and sworn to before me this 2d day of April, A. D. 1875.

[SEAL.]

J. HAM DAVIDSON,

Notary Public.

Deposition of S. P. Jennison.

STATE OF MINNESOTA,

County of Ramsey, ss:

S. P. JENNISON, being first duly sworn, deposes and says:

My name is S. P. Jennison. I am secretary of state.

(Objection and protest that the time in which the contestant has to take his testimony has not yet expired, and that the name of the witness has not been furnished to the contestant by the contestee.)

Question. As such, were you a member of the board of State canvassers that canvassed the vote for members of Congress from the State of Minnesota at the last general election?

(Objection same as last above.)

A. I was a member of the board and canvassed the return.

Q. Among the returns was there a return from the county of Sibley, in the second congressional district?

(Objected to for the reason that the county board of canvassers of Sibley are by law of the State of Minnesota the canvassers of the official canvass of said Sibley County, and that if the secretary of state of the State of Minnesota has them, he has come by them fraudulently.)

A. We canvassed such a return.

Q. Are the returns or the abstracts of the votes for member of Congress from the several counties on file in your office?—A. They are—abstracts returned to my office.

Q. Have you that from Carver County?—A. I have it here.

Q. Is there included in said return an abstract of the votes cast for member of Congress from Camden, Young America, Chanhassen, Laketown, Benton, in the county of Carver, in the second congressional district for the State of Minnesota?

(Objected that there is no notice of any irregularities occurring in those towns, and same objection as above.)

A. The vote of each of those towns is given in the abstract of the return of Carver County as sent to this office.

Q. Were they and each of them canvassed by the board and included in the determination as to who was elected member of Congress?

(Same objection as above.)

A. The vote returned from those towns was canvassed and counted by us in our canvass for member of Congress.

(Contestant moves to strike out the testimony of the witness for the reason that the canvassing of the vote for Congressman in the various counties in the second congressional district as made by the proper officers is *prima-facia* evidence of the votes cast in the respective counties.)

Q. Have you with you the return from Le Sueur County?

(Objection same as last above.)

A. I have.

Q. Does that return embrace the abstract of the votes cast for member of Congress in the towns of Cleveland, Kasota, Tyrone, Cordova, Kilkinny, Waterville, Elysian, Montgomery, Lexington, Derryname, in said county; and, if so, were they canvassed by said board for member of Congress?

(Objected to as last above.)

A. Those towns were all included in the returns from that county, and those returns were all canvassed and counted.

Q. Have you before you the returns from the county of Sibley, in the second congressional district; and, if so, do they contain an abstract of the votes for member of Congress cast in the towns of Washington Lake, Alfsburgh, Dryden, and Bismark, in said county; and, if so, were the votes so returned from said towns canvassed by the board for member of Congress?—A. I have the return, and the towns named are all included in it, Washington Lake being written W—Lake. The votes from all those towns were canvassed and counted by us for member of Congress.

Q. Have you before you the returns from the County of Dakota, in the second congressional district; and, if so, do they contain an abstract of the votes for member of Congress cast in the towns of West Saint Paul, Vermillion, Hastings, Burnsville, Rosemount, Nininger, Randolph, Mendota, and Hampton, in said county; and, if so, were the votes so returned from said towns canvassed by the board for member of Congress?—A. I have that return. The towns named are included in it, and the votes of those towns were canvassed and counted by our board for member of Congress.

The contestant, E. St. Julien Cox, admits of record that the board of State canvassers canvassed and counted the votes of the several counties and the towns therein, of the second congressional district of the State of Minnesota, for member of Congress, at the last general election, held November 3 1874.

Cross-examination, (under protest:)

Q. Had you any evidence before you, when you canvassed that vote, that there was anybody voted for Congressman in the State of Minnesota?—A. We had.

Q. Where, and how?—A. The evidence which the law provides—certified copies of the official abstract of votes as canvassed by the county board of canvassers, certified by the county auditor under the seals of their respective counties, and returned to the secretary of state.

Q. Can you name any one single man that voted for member of Congress in the second congressional district outside of Hon. H. B. Strait and E. St. Julien Cox?—A. I can.

Q. Who was it?—A. I am the man; I voted for member of Congress in that district; I voted for Major Strait.

Q. Do you know of anybody else?

(Objected to as irrelevant; question withdrawn.)

Q. Have you the returns of the last general election on file in your office?—A. I have.

S. P. JENNISON.

Subscribed and sworn to before me this 2d day of April, 1875.

[SEAL.]

J. HAM DAVIDSON,
Notary Public.

The contestee offers in evidence a certified copy of an act of the legislature of Minnesota, entitled "An act to provide for the consolidation of the counties of Kandiyohi and Monongalia," approved March 7, 1820, which is hereto attached and marked Exhibit F.

Offer of proof.—Deposition of Patrick McAvoy.

PARTICK MCAVOY was next called, and was not present to respond.

The respondent proposed to prove by this witness that he was a resident and legal voter in the county of Ramsey, in said State, on the 3d day of November, 1874; that after voting in Second ward of the city of Saint Paul, on said day, he crossed the Mississippi River into the county of Dakota and in the township of West Saint Paul, in said county, voted at the polls for Hon. E. St. Julien Cox for member of Congress in the second congressional district; that his vote was received and counted by the judges of election, and that the last-mentioned vote was cast under an assumed name.

Objected to, first, that the name has not been furnished the contestant; second, there is no such person in existence; and, lastly, that no such name appears on the poll-list of the county of Dakota.

The taking of testimony was here adjourned *sine die*, with the contestant objecting to all the testimony heretofore taken.

[SEAL.]

J. HAM DAVIDSON,
Notary Public.

Certificate of notary.

STATE OF MINNESOTA,

County of Ramsey, ss :

I, J. Ham Davidson, a notary public in and for said county, do hereby certify that the above and foregoing depositions were taken before me at the office of E. H. Wood, No. 70 Wabashaw street, Lewis building, on said street, in the city of Saint Paul, in the county of Ramsey, and State aforesaid, and that the examination of said witnesses began on the 31st day of March, A. D. 1875, at 1 o'clock p. m. of that day, and continued until 6 p. m. of that day, when, not being able to complete the testimony, it was adjourned to April 1, 1875, at 10 a. m., and was then resumed and continued till 12½ p. m., when, not being able to complete the evidence, it was adjourned to 2 p. m. of April 2, 1875; when the taking of the evidence was resumed and continued until completed.

I do further certify that this evidence was taken at the request of Hon. H. B. Strait, contestee, upon verbal interrogatories; that it was reduced to writing by me in the presence of the witness testifying, and that this evidence was taken pursuant to a notice from Hon. H. B. Strait, contestee, dated at Shakopee, March 25, 1875, and personally served on the contestant, E. St. Julien Cox, March 26, 1875, which original notice, with the admission of service indorsed thereon, is hereto attached and marked "Original notice;" that each of said witnesses before examination were duly and publicly cautioned and sworn to testify the truth, the whole truth, and nothing but the truth, relative to matter of the contested election for member of Congress from the second congressional district of the State of Minnesota, and that the deposition of each witness was carefully read to him after the same was reduced to writing, and was then subscribed by him in my presence. That all of said evidence has been retained by me for the purpose of certifying the same in proper form to be transmitted by United States mail to the Clerk of the House of Representatives of the Congress of the United States at Washington, District of Columbia.

April 3, 1875.

[SEAL.]

J. HAM DAVIDSON,

Notary Public. •

Commissioner's fees, \$30, paid by respondent, H. B. Strait.

Certificate of Clerk.

STATE OF MINNESOTA,

County of Ramsey, ss :

I, Albert Armstrong, clerk of the district court for the second judicial district and county of Ramsey aforesaid, the same being a court of record, do hereby certify that J. Ham Davidson, before whom the annexed depositions were taken, was, at the time of taking the same, a notary public in and for said county, commissioned and sworn, and duly authorized to take the same; that I am well acquainted with the hand writing of such officer, and verily believe that the signature to the jurat to said depositions is genuine. I further certify that the annexed instrument is executed and certified according to the laws of this State.

Witness my hand and the seal of said court, at Saint Paul, this 3d day of April, A. D. 1875.

[SEAL.]

ALBERT ARMSTRONG,

C erk.

EXHIBIT A to Wood's deposition.

Pat Constentine
 Peter Murphy
 Michael McGrath
 Jacob Paelon, jr.
 Mat. Maloney
 Joseph Sten
 Edward Jay
 James Smith
 John Schmith
 Pat Osborn
 Pat Schiel
 Pat Leonard
 Henry Balburney
 Henry Valvurney
 John Schmit
 G. Lourney
 Joseph Vernish
 William Smith
 Dennis C. Reardon

Nils Prux
 Mark Leonard
 George Nemo
 A. Krampton
 Michael Coney
 James Dunnegan
 L. Cornick
 Edward Routard
 Nick Kals
 August Meghert
 Frank Daniel
 James Foley
 P. J. Nelson
 Dan Sullivan
 John Leonard
 Andrew Dalburg
 Michael Dailey
 Edward C. Agnew
 Peter Buck

EXHIBIT B to Salberg's deposition.

STATE OF MINNESOTA,

County of Kandiyohi, ss :

I, J. A. Jacobson, county auditor of the county of Kandiyohi, in the State of Minnesota, do hereby certify that from the original returns on file in my office, returned from the several towns and election-precincts in and of the county of Monongalia, of the general election held November 8, 1870, upon the question of the annexation and consolidation of said county with the county of Kandiyohi, there appears to have been the following number of votes cast in each of said election-precincts for and against said consolidation, as follows, to wit :

MONONGALIA.

	For con- solidation.	Against con- solidation.
Burbank	10	43
Dovre.....	41	..
Green Lake	49	2
Harrison	59	..
Irving	27	12
Mamre	35	..
New London.....	10	71
Norway Lake	65	38
Roseville	17	37
Total.....	313	203

And I further certify that I have carefully compared the foregoing list of votes with said original returns upon said question of consolidation, and find the same to be a true transcript of said original returns.

Witness my hand and seal this 25th day of March, A. D. 1875.

[SEAL.]

J. A. JACOBSON,
 County Auditor, Kandiyohi County, Minnesota.

EXHIBIT C.—*Certificate of county auditor of Kandiyohi County.*

STATE OF MINNESOTA,
County of Kandiyohi, ss:

I, J. A. Jacobson, county auditor of the county of Kandiyohi, in the State of Minnesota, do hereby certify that from the original abstract of election-returns of the county of Kandiyohi, in said State, made by the county canvassing board of said county of the general election held in said county November 8, 1870, there appears to have been 343 votes cast in favor of the consolidation of said counties of Monongalia and Kandiyohi and 82 votes cast against such consolidation. That I have carefully compared the foregoing list of votes with said original returns and the votes cast upon said consolidation, and find the same to be a true and correct transcript thereof.

Witness my hand and seal this 25th day of March, A. D. 1875.

[SEAL.]

J. A. JACOBSON,

County Auditor, Kandiyohi County, Minnesota.

EXHIBIT D.—*Proclamation of the governor.*

A PROCLAMATION BY THE GOVERNOR.

Whereas, by an act of the legislature of the State of Minnesota approved February 18, 1870, entitled "An act to establish the county of Swift and to define the boundaries thereof," the boundary-lines of a new county, named Swift, were established out of a portion of the county of Chippewa, and the county-seat of said county of Swift was established at Benson, subject to an affirmative vote of a majority of voters of Chippewa County;

And whereas, by an act of said legislature approved March 7, 1870, entitled "An act to provide for the consolidation of the counties of Kandiyohi and Monongalia," said counties were consolidated in one county with the name of Kandiyohi, and the county-seat of said consolidated county was temporarily located at Kandiyohi Station, and Noah W. White, J. H. Gates, and Andrew Railson were by said act appointed a board of county commissioners of said Kandiyohi County, subject in like manner to an affirmative vote of a majority of the electors of said counties of Kandiyohi and Monongalia;

And whereas, by an act of said legislature approved February 28, 1870, entitled "An act to change the northern boundary-line of the county of Stearns," certain territory in said act fully described was detached from said Stearns County and added to and made a portion of the county of Todd, and certain other territory in said act described was detached from said Stearns County and added to and made a portion of the county of Morrison, subject in like manner to an affirmative vote of a majority of the voters in said counties of Stearns, Todd, and Morrison;

And whereas, by an act of the legislature approved February 18, 1870, entitled "An act to attach certain territory therein named to the county of Meeker," certain territory described in said act was detached from the county of Renville and attached to the county of Meeker, and declared to be a part of Meeker County, subject in like manner to an affirmative vote of a majority of the voters of the counties of Renville and Meeker;

And whereas said several acts above entitled and referred to were submitted to the people at the time and in the manner proposed in said acts, and the returns of votes cast thereon made and certified as required by law;

And whereas it appears by the official canvass of said votes that all of said several acts have been ratified and adopted by affirmative votes of a large majority of the electors of the several counties affected thereby:

Now, therefore, I, Horace Austin, governor of the State of Minnesota, by virtue of the authority vested in me and in pursuance of law, do proclaim and declare the several acts above entitled and referred to to have been ratified and adopted, and to have become valid in all their provisions and details, to all intents and purposes, as laws of the State.

Given under my hand and great seal of the State, at the capitol, in the city of Saint Paul, this 12th day of December, A. D. one thousand eight hundred and seventy.

[GREAT SEAL.]

HORACE AUSTIN.

By the governor:

H. MATSON,

Secretary of State.

Certificate of C. K. Davis, governor.

I, Cushman K. Davis, governor of the State of Minnesota, do hereby certify that I have compared the foregoing with the original, as appears of record in Book D, pages 544 and 545, of the executive records, and that it is a true and correct transcript thereof.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed, at the capitol, in the city of Saint Paul, on this the thirty-first day of March, A. D. one thousand eight hundred and seventy-five.

[SEAL.]

C. K. DAVIS,
Governor.

Attest:

S. P. JENNISON,

Secretary of State.

EXHIBIT E.—Proclamation of governor, December 13, 1870.

[From the Saint Paul Daily Press, December 13, 1870.]

A PROCLAMATION BY THE GOVERNOR.

Whereas, by an act of the legislature of the State of Minnesota, approved February 18, 1870, entitled "An act to establish the county of Swift and to define the boundaries thereof," the boundary-lines of a new county, named Swift, were established out of a portion of the county of Chippewa, and the county-seat of said county of Swift was established at Benson, subject to an affirmative vote of a majority of the voters of Chippewa County;

And whereas, by an act of said legislature, approved March 7, 1870, entitled "An act to provide for the consolidation of the counties of Kan-

Kandiyohi and Monongalia," said counties were consolidated in one county, with the name of Kandiyohi, and the county-seat of said consolidated county was temporarily located at Kandiyohi Station, and Noah W. White, J. H. Gates, and Andrew Railson were by said act appointed a board of county commissioners of said county of Kandiyohi, subject in like manner to an affirmative vote of a majority of the electors of said counties of Kandiyohi and Monongalia;

And whereas, by an act of said legislature, approved February 28, 1870, entitled "An act to change the northern boundary-line of the county of Stearns," certain territory, in said act fully described, was detached from said Stearns County and added to and made a portion of the county of Todd, and certain other territory in said act described was detached from said Stearns County and added to and made a portion of the county of Morrison, subject in like manner to an affirmative vote of a majority of the voters in said counties of Stearns, Todd, and Morrison;

And whereas, by an act of said legislature, approved February 16, 1870, entitled "An act to attach certain territory therein named to the county of Meeker," certain territory, described in said act, was detached from the county of Renville and attached to the county of Meeker, and declared to be a part of Meeker County, subject in like manner to an affirmative vote of a majority of the voters of the counties of Renville and Meeker;

And whereas said several acts above entitled and referred to were submitted to the people at the time and in the manner proposed in said acts, and the returns of votes cast thereon, made and certified as required by law;

And whereas it appears by the official canvass of said votes that all of said several acts have been ratified and adopted by affirmative votes of a large majority of the electors of the several counties affected thereby:

Now, therefore, I, Horace Austin, governor of the State of Minnesota, by virtue of the authority vested in me, and in pursuance of law, do proclaim and declare the several acts above entitled and referred to to have been ratified and adopted, and to have become valid in all their provisions and details, to all intents and purposes, as laws of the State.

Given under my hand and the great seal of the State, at the capitol in the city of Saint Paul, this 12th day of December, A. D. one thousand eight hundred and seventy.

[SEAL.]

HORACE AUSTIN.

By the governor:

H. MATTSO, *Secretary of State.*

EXHIBIT F.—*Copy of act of the legislature of Minnesota.*

AN ACT to provide for the consolidation of the counties of Kandiyohi and Monongalia.

Be it enacted by the legislature of the State of Minnesota :

SECTION ONE. The counties of Kandiyohi and Monongalia are hereby consolidated in one county, with the name of Kandiyohi.

SECTION TWO. The county-seat of said county of Kandiyohi is hereby temporarily located at Kandiyohi Station, on the southeast quarter of the northwest quarter of section ten, (10,) town. one hundred and nineteen (119) north, range thirty-four (34) west.

SECTION THREE. The said county of Kandiyohi shall assume all debts and liabilities of said counties of Kandiyohi and Monongalia, and shall be entitled to all moneys, taxes, property, or effects belonging to or due said counties of Monongalia and Kandiyohi, and the records of said counties of Kandiyohi and Monongalia shall become the records of said consolidated county of Kandiyohi.

SECTION FOUR. That Noah W. White, J. H. Gates, and Andrew Railson are hereby appointed a board of county commissioners for said county of Kandiyohi; who shall hold their said offices until the next general election or their successors are elected, whose duties it shall be, within twenty days after the proclamation of the governor hereinafter provided, to appoint all county officers of said county of Kandiyohi, who shall hold their respective offices until the next general election, or until their successors are elected and qualified; and the said board of county commissioners shall possess all powers and perform all duties given to and required of county commissioners in this State.

SECTION FOUR. At the time of the notice of the next general election, it shall be the duty of the officers in said counties of Kandiyohi and Monongalia, required by law to give notice of such election, to give notice in like manner that at said election the question will be submitted to the electors of said counties as to whether this law shall take effect and be adopted by them.

SECTION FIVE. At said election the electors of said counties of Kandiyohi and Monongalia in favor of the adoption of this law shall have distinctly written or printed, or partly written and partly printed, on their ballots, "For consolidation;" those opposed to such adoption, the words "Against consolidation." Such ballots shall be received and canvassed at the same time, in the same manner, and returned to the same officers by the judges of election as ballots for county officers.

SECTION SIX. The county canvassing boards of said counties of Kandiyohi and Monongalia, to whom the returns of election are made, shall canvass the returns upon said question in the same manner and at the same time as returns for county officers, and if upon such canvass being made it shall appear that a majority of such votes upon said question were cast in favor of the adoption of this act, and the consolidation of the said counties of Kandiyohi and Monongalia, then, in that case, an abstract of the canvass of such votes shall be made on one sheet, signed and certified in the same manner as in cases of the abstract of votes for county officers, and shall be deposited in the offices of the county auditors of said counties, and said county auditors shall immediately thereafter transmit to the secretary of state a copy of said abstract, duly certified by said auditor, and the governor shall thereupon forthwith make proclamation as provided by law in such cases, and within sixty days thereafter all officers who are required by law to hold their offices at the county-seat of said county shall remove to and hold their offices at the southeast quarter of the northwest quarter of section ten, (10,) town. one hundred and nineteen (119) north, range thirty-four (34) west.

SECTION SEVEN. All acts and parts of acts inconsistent with this act are hereby repealed.

SECTION EIGHT. This act shall take effect from and after its passage as to its provisions for submitting the question to a vote of the electors of said counties, and shall go into full force upon the proclamation provided herein.

Approved March 7, A. D. 1870.

Certificate of secretary of state.

STATE OF MINNESOTA,
Office of the Secretary of State.

I hereby certify that the foregoing has been compared with the original on file in this office, and is a true copy thereof.

Witness my hand and the great seal of the State this 2d day of April, A. D. 1875.

[SEAL.]

S. P. JENNISON,
Secretary of State.

Certificate of election-returns for the county of Lyon, Minnesota.

OFFICE OF SECRETARY OF STATE,
Saint Paul, Minnesota.

I, John S. Irgens, secretary of state of the State of Minnesota, do hereby certify that the annexed is a true and correct copy of the original official return of votes cast for the State officers of the State of Minnesota, which were voted for at the general State election, held in November, A. D. 1874, in and for the county of Lyon, in said State of Minnesota; that said original return, of which the annexed is a true copy, is the return and only evidence upon which said votes were canvassed and declared by the legislature of said State of Minnesota; that said original is now on file in this office; that I have carefully compared said copy, hereunto attached, with the original official return on file in this office, and found the same to be a true and correct transcript thereof and therefrom.

In testimony whereof I have hereunto set my hand and caused the great seal of the State to be affixed this 14th day of January, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

Abstract of votes polled in the county of Lyons and State of Minnesota, at the general election held in the several townships and wards of said county, on the first Tuesday after the first Monday, being the 3d day of November, A. D. 1874. Taken from the official returns.

Names of townships and wards.	Chief-justice.			Associate justice.	
	S. I. R. McMillan.	W. B. Wilkins.	James R. McMillan.	F. R. E. Cornell.	Wm. Lochren.
Lake Marshall.....	81	5		81	5
Lynd	46	1		46	1
Lyons.....			38	39	
Fairview'.....	27			27	
Grandview.....	26			26	
Nordland.....	26			26	
Lucas.....	22			22	
Upper Yellow Medicine	15			15	
Madison	■			■	
Southeast election district	33			33	
Bian Avon " "	19			19	
Michigan " "	26			26	
South " "	14			14	
Northeast " "	12			12	
Ceresco " "	14			14	
East " "	14			14	
	405	6	38	444	6

STATE OF MINNESOTA,
Lyon County, ss :

COUNTY AUDITOR'S OFFICE,
November 9, 1874.

We, O. C. Gregg, county auditor within and for said county, and Seth N. Taylor and D. M. Taylor, justices of the peace within and for said county, do hereby certify that in said county, at said November election—

S. I. R. McMillan received four hundred and five (405) votes for chief-justice of the supreme court;

James R. McMillan received thirty-eight (38) votes for chief-justice of the supreme court;

W. B. Wilkins received six (6) votes for chief-justice of the supreme court;

F. R. E. Cornell received four hundred and forty-four (444) votes for associate justice of the supreme court;

Wm. Lochren received six (6) votes for associate justice of the supreme court,

As appears by the returns of said election of the several townships and wards in said county, duly returned to, filed, opened, and canvassed, and now remaining on file in the office of the county auditor.

Witness our official signatures at Marshall, Minn., in said Lyon County, this 9th day of November, A. D. 1874.

O. C. GREGG,
County Auditor.
SETH N. TAYLOR,
D. M. TAYLOR,
Justices of the Peace.

STATE OF MINNESOTA,
Lyon County, ss:

I, O. C. Gregg, county auditor within and for said county, do hereby certify the within and foregoing to be a full and correct copy of the original abstract of the returns of the general election, held in said county and State, on the 3d day of November, A. D. 1874, now on file.

Witness my hand and the official seal of said office, at Marshall, Minn., in said county, this 9th day of November, A. D. 1874.

{ COUNTY AUDITOR'S SEAL }
{ OF LYON COUNTY. }

O. C. GREGG,
County Auditor.

INDEX.

	Page.
Notice of contest.....	1
Proof of service of notice of contest.....	5
Answer of contestee.....	6
Proof of service.....	12
Notice of taking testimony, February 9, 1875.....	12
Subpœna, February 10, 1875.....	13
Deposition of O. P. Whitcomb.....	14
S. P. Jennison.....	15
Exhibit A, B, C, referred to by Whitcomb.....	17
D, referred to by Jennison.....	19
E, referred to in caption of depositions.....	22
Notice of taking testimony, February 18, 1875.....	23
Subpœna, March 1, 1875.....	24
February 27, 1875.....	25
March 1, 1875.....	25
Depositions, March 2, 1875.....	26
of John Junger.....	26
James Newton.....	30
Thomas Morgan.....	31
William Bickle.....	33
Joseph Coursall.....	33
Daniel Cronan.....	35
William Lehr.....	36
William Schimmell.....	36
William Steineke.....	37
Philip Stelzer.....	38
Exhibit F, referred to in Philip Stelzer's deposition.....	39
Deposition of William Steineke, (recalled).....	40
Julius Christianson.....	40
A. J. Lamberton.....	41
Notice of taking testimony, February 20, 1875.....	42
Subpœna, March 1, 1875.....	43
Subpœna, March 1, 1875.....	44
Depositions of O. C. Gregg.....	44
Jesse Wynn.....	48
W. M. Pierce.....	49
E. B. Hale.....	49
Exhibit G.....	50
H, poll-list.....	51
J, poll-list.....	52
K, poll-list.....	52
Poll-list of Blan Avon.....	52
county, State of Minnesota.....	53
of Cuesco, Lyon County.....	56
Abstract of votes of Sibley county.....	57
Poll-list of Rock Lake, Lyon County.....	58
Certificate of notary.....	60

CONTESTEE'S PAPERS.

Notice to take testimony, February 26, 1875.....	61
Protest of contestant.....	61
Depositions of Leonard Strakens.....	62
Edward Reusse.....	63
Julius Ackerman.....	64
Richard Patterson.....	65
H. Gerdson.....	66
Gustave Krayenbuhl.....	67
W. Benson.....	68
Poll-list of Camden, Carver County.....	68

	Page.
Poll-list of Young America, Carver County	85
Chanhasen, Carver County	85
Lake Town, Carver County	92
Carver, Carver County	95
Benton, Carver County	94
Certificate of notary	102
Notice to take testimony, March 30, 1875	103
Proof of service	103
Protest of contestant	104
Depositions of John Kinsey	104
Poll-list of Elysian, Le Sueur County	106
Waterville, Le Sueur County	109
Kasota, Le Sueur County	112
Cleveland, Le Sueur County	116
Cordova, Le Sueur County	120
Kilkenny, Le Sueur County	123
Montgomery, Le Sueur County	125
Derrynane, Le Sueur County	128
Tyrone, Le Sueur County	131
Lexington	134
Certificate of notary	136
Protest of contestant to taking testimony	137
Deposition of Christian Didra	138
Poll-list of Alfsborg, Sibley County	139
Election return of Alfsborg	141
Poll-list of Washington Lake, Sibley County	142
Election return of Washington Lake	145
Certificate of county auditor	146
Poll-list of Bismarck, Sibley County	146
Election return of Bismarck	148
Certificate of auditor	148
Poll-list of Dryden, Sibley County	149
Election returns of Dryden	151
Certificate of auditor	152
recorder	152
Caption of depositions taken in Dakota County	153
Depositions of Michael Heinen	153
John Kenedy	157
Election returns of city of Hastings, First ward	159
Certificate of county auditor, Dakota County	160
Election returns of Burnsville, Dakota County	160
Certificate of county auditor	161
Poll-list of Burnsville, Dakota County	161
Election returns from Rosemount, Dakota	162
Certificate of county auditor	163
Poll-list of Rosemount	165
Election returns of Nininger	166
Certificate of county auditor	167
Poll-list of Nininger	169
Election returns of Mendota	169
Certificate of county auditor	170
Election returns of Hampton	170
Certificate of county auditor	171
Election returns from West Saint Paul	172
Certificate of county auditor	172
Poll-list of West Saint Paul	174
Certificate of county recorder	178
Notice to take testimony, March 25, 1875	178
Subpoena	179
Proof of service	180
Deposition of Robert Withey	181
Edward H. Wood	181
Robert Withey, (recalled)	181
Wm. Kern	184
Henry J. Peters	185
Frank Lockwood	186
Wm. Erdman	186
Robert Hare	187
Moses Bixler	188

	Page.
Deposition of Wm. Thompson	188
Thomas Odell	189
George A. Wells	190
C. F. Solberg	190
Frederick Driscoll	191
Horace Austin	192
A. R. McGill	192
O. P. Whitcomb	193
S. P. Jennison	194
Offer of proof, Patrick McEvoy	196
Certificate of notary	197
clerk	197
Exhibit A to Wood's deposition	198
B to Salberg's deposition	198
C, certificate of county auditor, Kandiyohi County	199
D, proclamation of the governor	199
Certificate of C. K. Davis, governor	200
Exhibit E, proclamation of governor, published December 13, 1870	200
F, copy of act of legislature of Minnesota	201
Certificate of secretary of state	203
election returns for the county of Lyon, Minnesota	203
H. Mis. 55—14	



WASHINGTON AND GEORGETOWN RAILROAD COMPANY.

LETTER

FROM THE

PRESIDENT OF THE WASHINGTON AND GEORGETOWN
RAILROAD COMPANY,

TRANSMITTING,

*In compliance with section 16 of the act of incorporation, a report of the
operations of said company for the year ending December 31, 1875.*

JANUARY 21, 1876.—Referred to the Committee on the District of Columbia and ordered
to be printed.

OFFICE OF THE WASHINGTON AND GEORGETOWN
RAILROAD COMPANY, 101 PENNSYLVANIA AVENUE,
Washington, D. C., January 20, 1876.

SIR: In compliance with section 16 of the "act incorporating the
Washington and Georgetown Railroad Company," I have the honor to
transmit herewith a report of the operations of said company during the
year ending December 31, 1875.

Very respectfully, your obedient servant,
HENRY HURT,
President.

Hon. M. C. KERR,
Speaker House of Representatives.

*Annual report of the receipts and expenditures of the Washington and George-
town Railroad Company for the year ending December 31, 1875.*

RECEIPTS.	
Advertising.....	\$1,360 18
Miscellaneous	160 35
Manure.....	1,927 06
Profit and loss.....	123 95
Passenger account.....	398,181 10
	<hr/>
	401,752 64
Balance December 31, 1874	1,593 16
	<hr/>
	403,345 80

DISBURSEMENTS.

General accounts.

Accident-account.....	\$4,185 38	
Bills payable.....	11,000 00	
Bonds	10,000 00	
Donations.....	40 00	
Dividends.....	45,000 00	
Interest.....	21,333 45	
Insurance.....	2,965 84	
Local taxes.....	1,641 88	
Law expense.....	969 83	
Real estate	125 00	
Sinking-fund	4,000 00	
Ticket-account.....	400 55	
		\$101,661 93

Labor and supplies.

Alarm-punch	3,561 57	
Blacksmithing.....	288 04	
Building-repairs.....	2,133 27	
Conductors and drivers	84,177 65	
Car wheels and axles.....	1,592 07	
Car-expense	6,744 46	
Fuel-account	363 54	
Gas-account	1,115 17	
General expense	1,168 55	
Harness-repairs	964 57	
Horseshoeing	1,739 66	
Hay	28,651 35	
Horses	14,770 00	
Meal	48,705 20	
Office-expense.....	68 15	
Pay-rolls	57,364 40	
Rent	1,033 34	
Stable-expense	1,569 36	
Salt.....	247 23	
Stationery	1,857 99	
Salaries.....	9,760 00	
Sand	179 19	
Straw.....	4,226 87	
Track-repairs	24,168 14	
		296,449 77
		398,111 70
Balance December 31, 1875.....		5,234 10
		403,345 80

C. M. KOONES,
Treasurer.

LEE *vs.* RAINEY.

P A P E R S

IN THE CASE OF

LEE *vs* RAINEY,

FIRST CONGRESSIONAL DISTRICT OF SOUTH CAROLINA.

JANUARY 21, 1876.—Ordered to be printed.

Notice of contest.

WASHINGTON, D. C., *December 16, 1874.*

To Hon. JOSEPH H. RAINEY, *Washington :*

SIR: You will please take notice that I intend to contest your right to a seat in the Forty-fourth Congress as a member of the House of Representatives from the first district of South Carolina, a certificate having been awarded to you on the 19th day of November, 1874, and I now proceed to state the grounds of contest, so far as they can be at present particularly specified, reserving the right to amend the specifications at any time pending the taking of evidence, viz:

First. I, Samuel Lee, respectfully state that at the late election, held on the 3d day of November, 1874, for a Representative in the Forty-fourth Congress, from the first congressional district in the State of South Carolina, I was a candidate against you, Joseph H. Rainey; that you, the said Joseph H. Rainey, have been returned by the State board of canvassers, sitting at Columbia, in said State, as having been duly elected Representative from the said district to the Congress of the United States; your election has been so certified to the House of Representatives. I state that you, the said Joseph H. Rainey, were *not* so elected a Representative, but that I was duly elected, and it should have been so declared by the State board of canvassers, I having received a plurality of votes cast at said election.

And I now further specify:

Second. That in the county of Georgetown, in the said congressional district, the whole vote cast for all the candidates as counted by the county board of canvassers was as follows, viz: For Joseph H. Rainey, 1,156 votes; for Samuel Lee, 727 votes; for *James H. Rainey*, 699 votes, and for two other parties 1 vote each. That the said county board of canvassers correctly counted the said 669 vote for *James H. Rainey*, for whom they were cast, and not for Joseph H. Rainey. That the State board of canvassers, sitting at Columbia, without jurisdiction or power

to go behind the returns, overruled the county canvassers, and counted the said 669 votes cast for *James H. Rainey* as if they had been actually given to *Joseph H. Rainey*, and wrongfully added them to your list of votes. I say that I have abundant evidence to show that there is, and was, at the time of the election, a *James H. Rainey* residing in the said county, in the election district, for whom said 669 votes were cast.

Third. That in the said county of Georgetown, at the three polling-precincts known as Lower Wackamaw, Middle Wackamaw, and Potato-bed Ferry, the vote stood as follows, viz: At Lower Wackamaw, for *James H. Rainey*, 132 votes, for *Samuel Lee*, 81 votes, and for *Joseph H. Rainey*, no votes. At Middle Wackamaw, for *James H. Rainey*, 153 votes, for *Samuel Lee*, 19 votes, and for *Joseph H. Rainey*, 30 votes. At the Potato-bed Ferry, for *Joseph H. Rainey*, 14 votes, for *Samuel Lee*, 74 votes, and for *James H. Rainey*, no vote; aggregating at these three polling-precincts for *James H. Rainey*, 285 votes, for *Samuel Lee*, 174 votes, and for *Joseph H. Rainey*, 44 votes. That the boxes at the three said polling-precincts were wrongfully thrown out by the county board of canvassers, and the votes not allowed by them, (though in fact counted,) for the reason stated by the county canvassers, that the managers were not sworn, and this objection was allowed to prevail by the State board of canvassers in this case, while the said State board of canvassers under the same circumstances, (to wit, of the Alligator precinct, in Chesterfield County, and in Beaufort County, in the fifth district,) allowed other boxes from other polling-precincts of the State, at the same general election, to be counted upon the ground that a manager not being sworn was a mere irregularity, which, in the absence of fraud, should not be allowed to destroy a whole box, and thereby deprive an innocent community of its entire franchise, which exclusion of those boxes in Georgetown was illegal, and, if counted, gives me a majority against you.

Fourth. That by allowing to you, the said *Joseph H. Rainey*, all of the votes actually cast for you in the whole congressional district, and adding thereto the forty-four votes received by you at the three rejected polling-precincts, (as hereinbefore stated,) and by allowing to me all the votes actually cast for me in the whole congressional district, adding thereto the 174 votes received by me at the rejected polling-precincts aforesaid, and by allowing to the said *James H. Rainey* the 669 votes actually cast for him, (and counted by the State board of canvassers illegally for *Joseph H. Rainey*,) and adding thereto the 285 received by *James H. Rainey* at the three polling-places rejected as aforesaid, the calculation will clearly show that I received the greatest number of votes in the congressional district; that I am duly elected, and am entitled to the seat as Representative in the Forty-fourth Congress from the first district of South Carolina.

Fifth. I further, upon the affidavits of *W. S. Croft*, chairman of the board of managers at the Wee Haw polling-precinct, in said county of Georgetown and first district, together with the affidavit of *Ephraim Johnson*, one of the managers, and the affidavits of others to the same effect, will show that, by reason of threats and intimidation, a large number of voters who would have voted for me at this polling-precinct were driven away, by which means the interest of yourself was promoted by fraud and violence; that at the Griers' Church polling-precinct, in said county and district, on the Pee Dee, as appears by the sworn affidavit of *A. P. Joudon*, *Charles J. Addison*, *W. A. Johnson*, *James Ford*, and others, forty or fifty armed men appeared at the said precinct with shot-guns, muskets, and other weapons, using threats of

violence against all who should vote the ticket upon which my name was placed as a candidate, thereby intimidating and driving away a large number of voters from the said poll who intended to vote for me, and the ticket upon which my name appeared, thus defeating a fair election, and greatly damaging my interest, and diminishing the vote I should and would have received, to wit, the loss of 100 votes to me.

Sixth. I further show and state that in the county of Marlborough, in the said first congressional district, your vote was increased by fraudulent acts of your friends by the "repeating" carried on by a large number of voters, which was encouraged and promoted by your supporters, and thereby you received 30 or 40 votes by the double voting of that many repeaters.

Seventh. I further state that you obtained your certificate of election by fraud and false suggestions in this, that in your statement or petition to the State board of canvassers you stated as follows: "That on the face of said return, six hundred and sixty-nine votes (669) cast at said election, and so intended to be cast by the qualified electors of said county, have been illegally and improperly withheld from your petitioner by the board of county-canvassers aforesaid, on the following improper and insufficient ground, to wit, that there was a typographical error in the Christian name upon said ballots, to wit, 'Jas. H. Rainey,' instead of Jos. H. Rainey, as intended. Your petitioner would also respectfully show that he is clearly and legally entitled to have the said six hundred and sixty-nine (669) votes so cast counted in his favor, for the reason that there is not anywhere in said congressional district any person whatever known as James H. Rainey, within the knowledge of your petitioner;" when in truth and in fact you well knew that in said county of Georgetown there was a James H. Rainey, a blood kinsman of yours, a citizen of the United States, constitutionally qualified to serve in Congress; and you well knew that there was no typographical error, and, if there was, you have no right to claim the votes for yourself.

And you will take notice, that after the expiration of thirty days from the date of this notice, I shall proceed to take the evidence for forty days, at the times and places to be hereafter named, and you may serve your answer, and any other paper appertaining to this matter, upon me, at No. 24 Third street, northeast, Washington, D. C., or upon my counsel, Geo. W. Paschal, esq., at 503 D street, Washington, D. C.

SAMUEL LEE.

GEO. W. PASCHAL,
Counsel for Contestant.

WASHINGTON, D. C., *December 17, 1874.*

I have this day given in hand to the within-named Joseph H. Rainey a true copy of this notice of contest.

N. G. ORDWAY,
Sergeant-at-Arms H. R. U. S.

Answer.

WASHINGTON, D. C., *January 15, 1875.*

SAMUEL LEE, Esq.:

SIR: Permit me to present the following answer to your notice of contest:

First. I admit that you were a candidate opposed to me at the late election for Representative of the first congressional district of the State

of South Carolina, in the Congress of the United States; also, that I have been returned by the State board of canvassers as duly elected, and that my election has been certified to the clerk of the House of Representatives. But I deny each and all of your assertions that I was not elected, that you were elected, that it should have been so declared by the State board of canvassers, and that you received a plurality of the votes cast at said election.

Second. I admit that the State board of canvassers counted for me 669 votes, which you claim to have been cast for James H. Rainey, which action of the said State board was lawful and right. But I deny each and all the other allegations contained in the second specification of your notice of contest; and I state what you already well know, that the votes which you allege to have been cast for James H. Rainey, were intended and cast for me.

Third. I deny each and all the allegations contained in the third, fourth, sixth, and seventh specifications of your notice of contest, and I assert that my said statement to the State board of canvassers was in all things true and correct.

Fourth. I deny each and all the allegations contained in the fifth specification of your notice of contest, and shall, of course, object to the use of *ex-parte* affidavits as evidence in this case.

Fifth. I deny that you have any *right* of amendment to "reserve," and aver that it will not rest in the discretion of the House of Representatives to grant the privilege of amendment to the parties in this case, or to either of them.

The following are the other grounds on which I rest the validity of my election:

First. The legal returns of the county canvassers of the district show that I was, and you were not, elected.

Second. The legal precinct-returns of the district show that I was, and you were not, elected.

Third. At each of the election-precincts of the district, illegal votes were cast for you by minors, non-residents, unnaturalized foreigners, and persons who voted more than once at said election, amounting in the entire district to more than 700 votes, all of which were counted and returned for you, and canvassed for you by the State board of canvassers.

Fourth. In the county of Sumter, in said first congressional district, (which is the county of your residence,) threats and intimidations were resorted to, on the part of your supporters, to such an extent that my most prominent supporters were not allowed to speak at the public meeting advertised at Sumter court-house, before the election; and that the votes at certain precincts in said county were returned as follows:

	Lee.	Rainey.
Wedgefield	149	2
Statesburgh	483	0
Manchester	79	0
Providence	179	0
Mount Clio	163	3
Bishopville	272	2
Spring Hill	199	0
Center's Crossing	250	0
Privateer	261	0
Swimming Pens	161	0
White's Mill	96	0

And this great disparity of votes I charge was due, in a great measure, to threats and intimidations on the part of your supporters.

Fifth. The entire poll at Old Store precinct, in Chesterfield County,

in said district, where you received 156 votes and I 72 votes, should be rejected ; because,

1st. Threats of violence and personal injury made by your supporters prevented many persons qualified to vote from voting for me, as they otherwise would have done.

2d. A notice signed "Ku Klux" intimidated one of the candidates on the Union republican ticket, by warning him not to be present at the election.

3d. On the day of election, between the hours of 5 and 6 a. m., while the regular Union republican voters were assembled around a fire, three shots were fired at them, and caused them to disperse, and some of them did not again assemble or vote during the entire day.

Sixth. The return of Meltan's Store precinct, Chesterfield County, where you received 108 votes and I 22 votes, should be thrown out, because the oath required by law to be administered to voters, was not administered.

Seventh. The return of Cole Hill precinct, Chesterfield County, where you received 50 votes and I 7, should be rejected ; because,

1st. By reason of threats, bribery, and intimidations on the part of your supporters, voters who intended and wished to vote for me were compelled to vote against me.

2d. The ballot-box was tampered with by one of the managers on the day of election.

3d. The ballot-box was intrusted to one of the managers of election, who let the same pass out of his possession into the hands of one of the candidates opposed to the regular Union republican party, who delivered it to the said manager, at or near the town of Cheraw. Said manager placed it on a table in a house in the town of Cheraw, then occupied by Mr. T. L. Western, and left it five or six hours unguarded and unprotected, and failed to deliver said ballot-box to any of the commissioners of election.

Very respectfully, your obedient servant,

J. H. RAINEY.

Service admitted this 15th January, 1875.

Certificate of secretary of state.

STATE OF SOUTH CAROLINA,

Office secretary of state :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of the original return now on file in this office.

Witness my hand and the seal of the State, at Columbia, this 18th day of February, 1875, and in the ninety-ninth year of American Independence.

[SEAL.]

H. E. HAYNE,
Secretary of State.

Statement and return of votes for Georgetown County.

STATE OF SOUTH CAROLINA :

By the board of commissioners of election of Georgetown County :

Statement and return of votes for governor, lieutenant-governor, probate judge, three county commissioners, a school commissioner, a senator, three representatives, member of Congress, constitutional amendments.

We, the board of commissioners of election for Georgetown County, State of South Carolina, make the following statement and return of the votes given for governor, lieutenant-governor, probate judge, three county commissioners, a school commissioner, a senator, three representatives, member of Congress, and constitutional amendments, voted for in the said county on the 3d day of November, A. D. 1874.

Whole number of votes cast by white persons	426
Whole number of votes cast by colored persons	2, 149

Total number of votes cast	2, 575
----------------------------------	--------

_____	_____
_____	_____
_____	_____

Commissioners of Election, Georgetown County.

The whole number of votes given for governor was 2,574; of which D. H. Chamberlain received 1,821; J. T. Green received 753.

The whole number of votes given for lieutenant-governor was 2,565; of which R. H. Gleaves received 1,822; M. R. Delaney received 743.

The whole number of votes given for member of Congress, first congressional district, was 2,554; of which Joseph H. Rainey received 1,156; Samuel Lee received 727; Jas. H. Rainey received 669; Harrison Keightley received 1; Samuel Johnson received 1.

Union republican ticket No. 1.

UNION REPUBLICAN TICKET.

For governor.—D. H. Chamberlain.*For lieutenant governor.*—R. H. Gleaves.*For Congress.*—James H. Rainey.*For representatives.*—R. M. Herriott, C. H. Sperry, C. S. Green.*For school commissioner.*— (scratched.)*For probate judge.*—R. O. Bush.*For county commissioners.*—J. H. Jones, Joseph Bush, Cain Rutledge.*For sheriff.*—J. M. Lesesne.*Union republican ticket No. 2.*

UNION REPUBLICAN TICKET.

For governor.—D. H. Chamberlain.*For lieutenant-governor.*—R. H. Gleaves.*For Congress.*—Samuel Lee.

For representatives.—R. M. Herriot, C. H. Sperry, O. S. Green.
For school commissioner.—William R. Beamer.
For probate judge.—R. O. Rush.
For county commissioners.—Saby McGuffy, Joseph Bush, Cain Rutledge.
For sheriff.—T. R. Sessions.

Ticket for Georgetown County.

GEORGETOWN COUNTY.

For governor.—John T. Green.
For lieutenant-governor.—Martin R. Delany.
For Congress.—Samuel Lee.
State board of equalization.—B. D. Townsend, of Darlington; W. B. Smith, of Charleston; W. D. Mars, of Abbeville; G. W. Meltou, of Chester; S. J. Lee, of Aiken.
Representatives.—Rev. B. H. Williams, James L. Magill, Nat. Pinckney.
School commissioner.—William R. Beamer.
County commissioners.—Joseph Bush, Gilbert Johnson, Saby McGuffy.
Judge of probate.—R. O. Bush.
Sheriff.—Thomas R. Sessions.
 Constitutional amendment, art. XVII.—YES.
 Constitutional amendments, (relative to the election of comptroller-general and other officers.)—YES.
 Constitutional amendment, (relative to the boundary-line of Pickens and Oconee Counties.)—YES.

Union republican ticket, No. 3.

UNION REPUBLICAN TICKET.

For governor.—John T. Green.
For lieut.-governor.—Martin R. Delany.
For Congress.—Samuel Lee.
For representatives.—Jas. L. Magill, C. H. Sperry, Nat. Pinckney.
For school commissioner.—Wm. R. Beamer.
For probate judge.—R. O. Bush.
For county commissioners.—Saby McGuffy, Joseph Bush, Gilbert Johnson.
For sheriff.—T. R. Sessions.

Union republican ticket, No. 4.

UNION REPUBLICAN TICKET.

For governor.—Daniel H. Chamberlain.
For lieutenant-governor.—Richard H. Gleaves.
For Forty-fourth Congress, first district.—Joseph Rainey.

For State board equalization, first district.—B. D. Townsend.

For house of representatives.—Robert M. Harriet, Bruce H. Williams, Charles S. Green.

For sheriff.—James M. Lesesne.

For judge of probate.—Richard O. Bush.

For school commissioner.—Stephen B. Gipson.

For county commissioners.—Joseph Bush, Cain Rutledge, J. Harvey Jones.

Exhibit A.

Georgetown County.	Lower Waccamaw.	Potato-Bed Ferry.	Middle Waccamaw.	Boxes thrown out.	Total each.
For Jas. H. Rainey	132	.....	153	.....	285
For Sam'l Lee	81	74	19	.....	174
For Joseph H. Rainey.....	.....	14	30	.....	44

Whole number of votes cast for member of Congress, first congressional district, 503.

The foregoing is the result of the count of the boxes which have been thrown out by the commissioners, because the managers were not sworn.

BEN'J H. WILSON, *Chairman,*

E. C. RAINEY,

B. H. WILLIAMS,

Commissioners of Election, Georgetown County.

Attest: J. HARVEY JONES,
Clerk B. C.

I certify that this return is correct, and the signatures genuine.

December 1, 1874.

[SEAL.]

W. P. PORTER,
C. C. P. and G. S.

Georgetown County.	For Joseph H. Rainey.	For Samuel Lee.	For James H. Rainey.	For Harrison Keightley.	For Samuel Johnson.
Georgetown.....	293	425	44	.....	.....
Wee Haw	237	11	24	.....	.....
Upper Waccamaw.....	167	2	.....	.....	.....
Brown's Ferry.....	62	22	78	.....	.....
Choppee .....	.....	22	73	.....	.....
Cawver's Bay.....	53	55	2	.....	.....
Upper Pee Dee Ginns.....	12	50	295	.....	.....
Sampit.....	1	100	116	1	.....
Santee	288	28	30	.....	.....
Wecklow Island.....	43	.....	1	.....	1
Total each.....	1,156	727	669	1	1

Whole number of votes cast for members of Congress, first congressional district, 2,654.

We certify that the above statement is correct, with the following qualifications, viz: that middle Waccamaw, Lower Waccamaw, and Potato-Bed Ferry polls have been thrown out in consequence of the failure of the managers to qualify under oath according to the provisions of law. The chairman of the board of commissioners of election, after qualifying as canvasser, objected to the reception and counting of the votes for Choppee poll for the reason that there was no poll-list returned, and that the chairman of managers of that poll had not been sworn and was not competent to administer the oath to the voters who presented themselves at that precinct, but was voted down by a majority vote of the board, who decided that the chairman of the board of managers was empowered, under section 5 of the election-law, to administer said oath.

BENJ. H. WILSON, *Chairman*,
E. C. RAINEY,
B. H. WILLIAMS.

Attest:

J. HARVEY JONES, *Clerk*.

I certify this return to be true and correct as returned to the county commissioner of election of this county.

December 1, 1874.

[SEAL.]

W. P. PORTER,
C. C. P. and G. S.

STATE OF SOUTH CAROLINA,
Office of Secretary of State.

To all to whom these presents come, greeting :

Know ye that W. P. Porter, whose official signature appears to the instrument of writing hereto annexed, was, at the time of affixing the same thereto, clerk of the court of common pleas and general sessions in and for the county of Georgetown, as appears from the records of this department, that his attestation is in due form, and that full faith and credit are due to his official acts.

Witness my hand and the seal of the State, at Columbia, this 18th day of February, in the year of our Lord 1875, and in the ninety-ninth year of American Independence.

[SEAL.]

H. E. HAYNE,
Secretary of State.

STATE OF SOUTH CAROLINA,
Office Secretary of State.

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of the original return now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 19th day of February, 1875, and in the ninety-ninth year of American Independence.

[SEAL.]

H. E. HAYNE,
Secretary of State.

Election returns of first congressional district.

Counties.	NAMES OF CANDIDATES.		
	Joseph H. Rainey.	Samuel Lee.	Scattering.
Georgetown	1,825	727	2
Williamsburg	2,315	1,221	....
Darlington	3,731	1,803	....
Marlboro	1,855	1,273	....
Marion	2,369	2,488	1
Hoory	586	1,196	....
Chesterfield	917	1,079	....
Sumter	762	3,776	....
Totals	14,360	13,563	3

Certificate of secretary of state.

STATE OF SOUTH CAROLINA,
Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct statement of the vote for member of Congress from the first congressional district of South Carolina, as compiled from the official returns which are now on file in this office.

Given under my hand and the seal of the State, at Columbia, this 19th day of February, 1875, and in the 99th year of American Independence.
[SEAL.] H. E. HAYNE,
Secretary of State.

Notice to take testimony, February 12, 1875.

SAMUEL LEE }
vs. } Contested election.
JOSEPH H. RAINEY. }

To Hon. JOS. H. RAINEY, Washington, D. C.:

You will please take notice that on the 12th day of February, 1875, to be adjourned from day to day, at Georgetown Court-House, S. C., before Lovat Fraser, notary public for Georgetown County, I will take the depositions of Hon. Benjamin H. Wilson, D. P. Reynolds, James A. Bowley, Rev. Ephraim Johnson, Peter Woodbury, W. S. Croft, A. P. Joudon, George H. Pawley, Hon. George R. Congdon, Hon. J. J. Hucks, Charles Addison, Hon. J. Harlston Read, Col. Benjamin Alston, W. A. Johnson, Tony Hassell, Robert Vareen, Cudjo Robinson, Moses Britton, James Ford, Edward Lawrence, Hon. W. P. Porter, Blair Anderson, Charles H. Sperry, and H. W. Clark, to be read as evidence in the above-entitled cause.

SAMUEL LEE.

GEO. W. PASCHAL,
For Contestant.
JANUARY 28, 1875.

OFFICE SERGEANT-AT-ARMS, HOUSE OF REPRESENTATIVES,
January 28, 1875.

I have given in hand to J. H. Rainey an original notice, of which the within is a true copy.

N. G. ORDWAY,
Sergeant-at-Arms, House of Reps. U. S.

Notice to take additional testimony.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County :

SAMUEL LEE

vs.

JOSEPH H. RAINEY.

} Contested election.

To J. JENKINS HUCKS, Esq.,
Counsel for Joseph H. Rainey :

SIR : You will take notice that, in addition to the witnesses already mentioned, and whose names have been furnished, I will, if I deem it necessary, introduce and examine the following-named parties as additional witnesses for myself in the above-stated case, to wit, Thomas Gibbs, Henry Williams, Tony Smith, June Smalls, James Hopkins, Edward Green, J. C. Dawley, Richardson Sands, William Brunson, Thomas Judon, and Henry William Smith.

I hereby acknowledge that a copy of this notice was served upon me this day.

J. JENKINS HUCKS,
Attorney for Contestee.

FEBRUARY 12, 1875.

Subpœna.

UNITED STATES OF AMERICA,
State of South Carolina, Georgetown County :

To Hon. Benj. H. Wilson, D. P. Reynolds, James A. Bowley, Rev. Ephraim Johnson, Peter Woodberry, W. S. Croft, A. P. Judon, George H. Pawley, Hon. George R. Congdon, Hon. J. J. Hucks, Charles Addison, Hon. J. Harleston Read, Col. Benj. Allston, W. A. Johnson, Tony Hasel, Robert Vareen, Cudjo Robinson, Moses Britton, James Ford, Edward Lawrence, Wm. P. Porter, Blair Anderson, Chas. H. Sperry, and W. H. Clark.

You are hereby summoned to appear at the court-house in the town of Georgetown, in the State of South Carolina, on Friday the twelfth (12th) day of February, A. D. 1875, to testify and make affidavit before me, in a case of contested election for member of Congress from the first congressional district of South Carolina, in which Samuel Lee is the contestant against Joseph H. Rainey, who claims the seat.

Witness my hand and seal the 9th day of February, A. D. 1875.

R. LOVAT FRASER, [L. S.]
Notary Public.

C. B. ANDERSON,
Of Counsel.

I hereby certify that I have served all of the within-named persons with sub. tickets, except Peter Woodbey, J. A. Bowly, and Ephraim Johnson, who could not be found.

February 13, 1875.

J. M. SESISNE,
Sheriff Georgetown County.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Georgetown County :

I, R. L. Fraser, notary public, do hereby certify that the following affidavits attached hereto were made before me, at Georgetown, South Carolina, on the days of the dates in each respectively mentioned.

Given under my hand and seal this 22d day of February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Benjamin H. Wilson.

STATE OF SOUTH CAROLINA,
Georgetown County :

SMUEL LEE	} Contested election.
<i>vs.</i>	
JOSEPH H. RAINEY.	

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared BENJAMIN H. WILSON, who, being duly sworn, testified as follows :

That he recognizes the signature to the certificate of election-returns as chairman of the board of commissioner of elections as his own ; and also the signatures of E. C. Rainey and B. H. Williams, the other commissioners ; that there were 2,554 votes counted as cast in this county for member of Congress from the first congressional district ; of these Joseph H. Rainey received 1,156 ; Samuel Lee, 727 ; James H. Rainey, 669 ; Harrison Knightly, 1 ; Samuel Johnson, 1.

This return is exclusive of three polls thrown out by the commissioners in this county, viz, Lower Waccamaw, Middle Waccamaw, and Potato Bed Ferry. At these polls, to wit, at the first poll named, James H. Rainey received 132 votes ; Samuel Lee, 81 ; Joseph H. Rainey, none. At Middle Waccamaw, James H. Rainey, 153 ; Samuel Lee, 19, Joseph H. Rainey, 30. At Potato Bed Ferry, Samuel Lee, 74 ; Joseph H. Rainey, 14.

That the reason that the above three polls were thrown out was that the managers of the same had failed to qualify according to law, there being no evidence to show that the said managers had taken the necessary oaths as prescribed by law.

That he recognizes the returns inclosed herewith, and marked "A," as correct, and the tickets attached thereto as correct specimens of those voted at the said election, according to the best of his information and belief.

BENJ'N H. WILSON.

Sworn to before me this 12th February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of J. Jenkins Hucks.

STATE OF SOUTH CAROLINA,
Georgetown County, ss :

SAM'L LEE
rs.
JOSEPH H. RAINEY. } Contested election.

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared J. JENKINS HUCKS, who, being duly sworn, testified as follows :

That he knows a man who appeared before him, saying that his name was James H. Rainey, and so signed his name to an affidavit before him as a trial-justice.

J. JENKINS HUCKS.

Sworn to before me this 12th day of February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of A. P. Joudon.

STATE OF SOUTH CAROLINA,
Georgetown County, ss :

SAM'L LEE
rs.
JOSEPH H. RAINEY. } Contested election.

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, appeared A. P. JOUDON, who, being duly sworn, testified as follows :

That he is a citizen of the United States of America, State of South Carolina, Georgetown County; that he voted at Grier's-church poll, at the election held the 3d November, 1874, in this county; that upon that day, between 9 and 10 o'clock a. m., he was sitting in a buggy, at the said poll, and heard a great noise down the road; he went into the road and saw about twenty-five or thirty men, perhaps more, armed with muskets, double-barreled guns, and clubs; these men were coming toward Grier's-church poll, saying that the lower poll had been shut up, and that they "would vote the Chamberlain ticket or die;" they said that no colored man should vote the Green ticket; they did not intend to let colored men vote themselves back into slavery; that these same men interrupted a man named Charles Addison, who was going to the poll to vote, and told him he should not vote the Green ticket; that if he voted the Green ticket that they would kill him, or any colored man who voted the Green ticket; and that after he had voted the same ticket, these same men forced him out into the road, and crowded him; they took hold of him in a violent manner, and cried out, "Strip him! Strip him!" That before they had time to do any great injury, I, Haralson Read, and Col. Benj. Allston, white citizens of this county, came to his assistance and took him out of the hands of this mob.

That at the said poll he had given a Green ticket to a man named Louis Jackson, who was warned by this mob not to vote that ticket, and

threatened him with violence if he did ; that the said Louis did not, in consequence of the threats, vote the ticket at that time, nor, he thinks, at any time thereafter, during the day ; that this mob threatened to kill this same Louis Jackson if he voted the Green ticket, or any other colored man who did so ; that this mob remained around the poll the entire day.

That while he was there at the poll a man came up to vote, whom he, the deponent, knew to be named Grove ; that this man voted at that time by the name of Grant, denying that his name was Grove ; that in the afternoon of the same day this man again voted, and by the name of Grove, and he believes that both tickets voted were Chamberlain tickets, because he offered the party a Green ticket, which was refused, and there were no threats made against this man by the said mob, nor any parties who voted the Chamberlain ticket.

That he knows a man named James H. Rainey, a citizen of this county and State ; known him since 1866 ; were school-mates together.

Upon a cross-examination by J. Jenkins Hucks, attorney for Joseph H. Rainey, the deponent further testified : That he went up there a little before 6 o'clock a. m., in the interest of the Green ticket. That he believes that Charles Addison voted the Green ticket. That he believes that this mob would have killed him, the deponent, if he had voted the Green ticket after the arrival of the said mob. That during the day there were no violent hands upon any one except Charles Addison, by the said mob, to the best of his information and belief, but that threats were used during the day.

A. P. JOUDON.

Sworn to before me this 12th February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of W. A. Johnson.

STATE OF SOUTH CAROLINA,
Georgetown County :

SAMUEL LEE	}	Contested election.
vs.		
JOSEPH H. RAINEY.		

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared W. A. JOHNSON, who, being duly sworn, testified as follows :

That he was present at Grier's-church poll at the day of election on the 3d November, 1874 ; was clerk at the board of managers of that poll ; was there before the polls were opened. About 10 o'clock a. m. on that day about twenty or thirty colored men armed with muskets, guns, and clubs, appeared at the poll, behaving in a riotous manner, uttering threats that they would kill any colored man who voted the Green ticket. That he saw one man, named Tony Hazell, attempt to vote the Green ticket, but was prevented by this armed crowd, who took away from him by force this same ticket, and gave him a Chamberlain ticket, and made him vote it, telling him if he did not vote it he would not go home alive. This crowd raised no objection to any one who was to vote the Chamberlain ticket. This party gave up the Green ticket and voted the Chamberlain ticket.

Charles Addison and Bob Vereen were threatened by this mob not to vote the Green ticket. Charles Addison was threatened to be killed; after voting, the mob crowded Charles Addison, and Bob Vereen was run after by the crowd, and only escaped by jumping on his horse and running away.

That this crowd of men remained at the poll the entire day, questioning, threatening, and intimidating voters, saying that they would allow no colored men to vote the Green ticket; but if they voted the Chamberlain ticket it would be all right. Among this crowd of armed men he recognized one Charles Green, a candidate on the Chamberlain ticket; the others were strangers to him.

That, as clerk of the board, he knows that several votes were cast at the said poll for James H. Rainey, and that he knows both James H. Rainey and Joseph H. Rainey; and that he knows votes were also cast at the same poll for Joseph H. Rainey and Samuel Lee. That the name of Samuel Lee was on the Green ticket.

Upon a cross-examination by J. Jenkins Hucks, attorney for Joseph H. Rainey, the deponent further testified that, besides threats, they, this mob, did not prevent Charles Addison from voting.

W. A. JOHNSON.

Sworn to before me this 12th February, 1874.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of George H. Pawley.

Also appeared GEORGE H. PAWLEY, who, being duly sworn, testified as follows:

That he knows James H. Rainey, who is a citizen of this county, State of South Carolina, United States of America; also Joseph H. Rainey and Samuel Lee.

That he, the deponent, was at the Georgetown poll on the 3d November, 1874, and that he knows that votes were cast for James H. Rainey, Joseph H. Rainey, and Samuel Lee; that these separate names were upon separate tickets.

his
GEO. H. + PAWLEY.
mark.

Attest: J. B. LE REBON.

Sworn to before me this 12th February, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

STATE OF SOUTH CAROLINA,
Georgetown County:

SAMUEL LEE
rs. } Contested election.
JOSEPH H. RAINEY. }

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared W. S. CROFT, who, being duly sworn, testified as follows:

That on the 3d November, 1874, on the day of the election, he went to Weehaw poll, in this county; reached there about 6 a. m.; was chair-

man of board of managers at that poll; very few votes taken till about 8 o'clock a. m.; then voting was pretty brisk till about 3 o'clock p. m.; was shocked at the behavior of persons at the poll, who appeared to be leaders, and who, armed with muskets, guns, and pistols, surrounded the poll the entire day. A great deal of threats and intimidations were used. They said that this was a Chamberlain poll, and no d—d Green man should vote at it. From fifty to seventy-five of these men were armed. Some of these armed men remained at the poll even until after the votes were counted; that he heard several of these men say that if any one voted the Green ticket at that poll he would be peppered with shot; that there were several Chamberlain men stationed upon the road, about fifty yards from the polling-box, who would stop passers-by upon the road; that he, deponent, inquired why these passers-by who were stopped did not come up and vote, and was answered, "Because they were Green men;" that he reported the names of some of the riotous parties engaged in this riot to the chairman of the board of commissioners, for the purpose of having them indicted. He knows of several votes, about 13, being cast for Samuel Lee, of some for James H. Rainey, and of some for Joseph H. Rainey for Congress.

(Objection by J. Jenkins Hucks, as being secondary evidence.)

That the number of votes cast for the Green ticket amounted to only 13, and 260 for the Chamberlain ticket; was threatened himself on the day of election, as a manager of election, by one of these riotous men, who said that he, the deponent, was a d—d Green man; a white man from Georgetown, who had no right to swear the voters at that poll when boys were allowed to vote in Georgetown; that he didn't care a d—n if a boy was only one year old, that he should vote at that poll, Weehaw, for it was a Chamberlain poll; that he saw several small boys, whom he was convinced were under age, trying to vote. He explained the oath to them, but the boys were compelled to vote by several men standing around, and they voted Chamberlain tickets.

Cross-examination :

That this large crowd, with the exception of three or four men who appeared to be leaders, was not very boisterous, with the exception of firing off of guns during the day, within 20 yards of the poll; that he knows one colored man who voted the Green ticket who was not troubled at the poll after voting.

W. S. CROFT.

Sworn to before me the 12th of February, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

STATE OF SOUTH CAROLINA,
Georgetown County :

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared J. C. DAWELEY, who, being duly sworn, testified as follows :

That on the 3d November, 1874, he was working at Wedgefield plantation, near to the Weehaw polls; went to said polls to vote; when he

arrived there, saw a large crowd of armed men, making a great noise and some threats that no one should vote the Green ticket. These men were armed mostly with muskets. He asked for a Green ticket; but no one had any save some of the managers, who had these tickets in their pockets. There were none on the table. This armed crowd was stationed around the polls, within 10 or 15 yards therefrom.

(J. Jenkins Hucks, attorney for contestee, objects to the testimony of J. C. Dawley, he not being named in the notice to examine.)

That as he was leaving the polls and going to his buggy a gun was fired off, which frightened his horse.

Cross-examination :

That he believes that he was present at the polls about three-quarters of an hour before and after voting. He voted the Green ticket, and he saw two other white men vote the same ticket. He saw no one prevented from voting the Green ticket.

JOSEPH C. DAWLEY,
Voluntary Witness.

Sworn to before me this 13th day of February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Charles Addison.

STATE OF SOUTH CAROLINA,
Georgetown County :



SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared CHARLES ADDISON, who, being duly sworn, testified as follows:

That on the 3d November, 1874, the day of election, he went to Grier's-church poll, in company with James Ford, Toney Hazell, and Cudjo Robinson; saw about fifty or sixty men seated and standing around the poll. Some of this crowd came up to him and said that any man who was to vote the Green ticket must go back; that none but Chamberlain men should vote at this poll; that they had more guns than he had, and that there were men among them who could shoot as well as he could. He went to the poll and voted, after which some of this crowd of men came up to him and collared him, saying that they were going to strip him and whip him. At that time Moses Britton came up to his assistance, and got between him and the mob; thereupon one of the same crowd whirled his stick and said, "Just let me get at him and I will knock him down with this stick." He (C. Addison) voted the Green ticket. That of the party who went with him, viz, James Ford, Toney Hazell, and Cudjo Robinson, he knows that all voted the Green ticket except Toney Hazell; and as to Toney Hazell, the armed crowd stopped him and prevented him from voting at that time; did not see him vote at all. That he was informed, on approaching the polls, by parties returning from the polls, that no one would be allowed *there* to vote the Green ticket. This crowd was

armed with double-barreled guns and muskets and clubs; that he believes that had he not gone through this armed crowd as rapidly as he did, before he voted, that they would have done him some bodily injury, but that he was determined to vote, unless they had killed him in the attempt.

CHARLES ADDISON.

Sworn to before me this 15th day of February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of James Ford.

STATE OF SOUTH CAROLINA,
Georgetown County:

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared JAMES FORD, who, being duly sworn, testified as follows:

That on 3d November, 1874, the day of election, went to Grier's church poll to vote; as he got near the poll met a crowd of men armed with guns, sticks, and clubs, who were saying, "All Chamberlain men come forward and vote; all Green men go back or get a good licking." This crowd, when they saw him, got up and came towards him and asked him how he was going to vote; he then bolted through the crowd and voted, after which he left the polls immediately. That he saw Tony Hazell stopped by the armed crowd; did not see him vote; did not know how he voted.

That he went to the poll with Charles Addison, Tony Hazell, and Cudjo Robinson; this crowd stopped Charles Addison and Tony Hazell, and that he, the deponent, and Cudjo Robinson rushed through the crowd and voted. Did not hear any threats made against any person who was to vote the Chamberlain ticket. This armed crowd consisted entirely of colored men; did not see any white men armed at the polls. All of these men comprising the armed crowd were Chamberlain men.

Cross examination:

That the threats made, that all the Green men should get a thrashing, did not frighten him, the deponent. That when he got to the poll he drew a Green ticket out of the hands of one of the managers and voted it in presence of the crowd around. That during the time he remained at the poll he saw no one prevented from voting the Green ticket. That he and Charles Addison had guns for the purpose of going hunting after voting.

his
JAMES + FORD.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 12th February, A. D. 1875.

R. L. FRASER,
Notary Public.

Deposition of Cudjo Robinson.

STATE OF SOUTH CAROLINA,
Georgetown County :

SAMUEL LEE
vs.
JOSEPH H. RAINEY. }

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared CUDJO ROBINSON, who, being duly sworn, testified as follows :

That on the 3d November, 1874, day of election, went to Grier's-church poll to vote the Green ticket; met a crowd in the road with guns just at the polls; was stopped and asked how he was going to vote, and that no man should vote the Green ticket, and that any one who was going to vote the same must stand back; he replied that he would vote the Green ticket or go to hell and be damned. This crowd stopped Tony Hazell and Charles Addison, two others of the company, while James Ford and himself walked through and voted. This crowd told the two men whom they had stopped that they should not vote the Green ticket. That the threats of this crowd made him feel rather alarmed, but he thought he would stick up boldly and vote any how; that he would not stay around the polls after voting, because he felt it would be dangerous; did not feel very safe in that crowd.

Cross-examination:

That he went up to the polls and asked for a Green ticket, received it and voted it; and at the poll when he voted, no one offered any objection. That after voting, repassed the same crowd, went away, and no one offered him any violence.

CUDJO ^{his} + ROBINSON.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 15th day of February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Toney Hazell.

STATE OF SOUTH CAROLINA,
Georgetown County :

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared TONEY HAZELL, who, being duly sworn, testified as follows :

That on 3d November last, 1874, day of election, went to Grier's-church poll in company with Charles Addison; saw a crowd of men in the road, some armed and some not. Was asked "who for?" Said, "I'm a Green man." They said "that aint the man." He then said he was going to vote the Chamberlain ticket. The crowd then said "go right ahead."

Cross-examination :

That the crowd questioned him in a joking manner.

TONNEY ^{his} + HAZELL.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 15th February, A. D. 1875.

R. L. FRASER,
Notary Public.

Deposition of Edward Green.

STATE OF SOUTH CAROLINA,
Georgetown County :

SAMUEL LEE
vs.
JOSEPH H. RAINEY. }

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared EDWARD GREEN, who, being duly sworn, testified as follows :

That on November 3, on day of election, was at North Santee poll to vote; when within 200 yards of the poll met two men, one with Green tickets and another with Chamberlain tickets; took a Green ticket, and met a crowd who were cursing, and hallooing that no man should vote the Green ticket, and that any one who voted the same was a d—d fool. The crowd was not armed, but there were arms at the poll—muskets stacked up about 100 feet from the poll; that these muskets did belong to some of this crowd. This crowd was cursing and swearing in a furious manner, saying that any who voted the Green ticket were d—d fools, and were voting themselves back into slavery. That one of the men who was dealing out the Green ticket, named Henry Smith, mentioned the name of Joseph Bush, a Chamberlain man, as the leader of the noisy crowd. He was then threatened that if he did not let the name of Joe Bush alone, he (Bush) would turn loose his boys, and brooms would have to be got to clear away the fragments.

Cross-examination :

That the cursing and swearing that went on did not intimidate him, himself, from voting; that he did not see any one being forcibly prevented from voting, but that he knows that the cursing and swearing was so furious as to prevent two men that he knows of from voting at all; that he saw men vote the Green ticket who were not prevented from doing so.

NED GREEN.

Sworn to before me this 15th February, A. D. 1875.

R. L. FRASER,
Notary Public.

Deposition of Robert Vereen.

STATE OF SOUTH CAROLINA,
Georgetown County :

SAMUEL LEE
vs.
JOSEPH H. RAINEY. }

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared ROBERT VEREEN, who, being duly sworn, testified as follows :

That on 3d November, 1874, day of election, went to Grier's Church poll and voted the Green ticket; after voting, was surrounded by a crowd of men armed with clubs and muskets; apprehended great danger; rushed out from the crowd and left. As he approached the poll to vote, was told by one man from the crowd that if he voted the Green ticket he would be killed. He then voted, and immediately left in great apprehension of danger. He considered his life in danger; so much so, that he was alarmed; thinks that the threats and menaces of this crowd were intimidating enough to prevent men not courageous from voting. After escaping from the crowd, mounted his horse and returned home; got away from the poll just as quick as possible; apprehensive of great danger.

Cross-examination :

That he was threatened only by one man from the crowd as to being killed if he voted the Green ticket.

ROBERT ^{his} + VEREEN.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 15th February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Moses Britton.

STATE OF SOUTH CAROLINA,
Georgetown County :

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared MOSES BRITTON, who, being duly sworn, testified as follows :

That on 3d November, 1874, day of election, was at Grier's Church poll; saw Robert Vereen surrounded by a crowd of men who seemed intent on doing him some injury; that this crowd raised their weapons to strike him, Robert Vereen, but seeing the danger, he escaped. He saw Charles Addison collared by a man from the armed crowd. He then went up and released him. This crowd attacked

Charles Addison because he voted the Green ticket. This crowd said that any man who voted the Green ticket was no better than a dog. That he knew of no one who was interfered with for voting the Chamberlain ticket; that he thinks that the treatment of Charles Addison was sufficient to deter others from voting the Green ticket; that it was an alarming and distressing time.

his
MOSES + BRITTON.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 15th February, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of I. Harleston Read.

STATE OF SOUTH CAROLINA,
Georgetown County:

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

Before me, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn, personally appeared I. HARLESTON READ, who, being duly sworn, testified as follows:

That on the 3d November, 1874, day of election, went to Grier's Church poll. In going there met several lads, apparently about sixteen or seventeen years old, returning from the polls, who said that they had all voted. A boy named Cain was among this crowd of lads, which boy was in deponent's employ; was about seventeen years old. At the polls saw a large crowd of armed men, making a noise, which armed crowd approached and surrounded each colored man who came up to vote. He saw a crowd surround one Charles Addison, and saw Charles Addison raise up his hands and exclaim that he would vote as he pleased, no matter what happened. Was satisfied that this armed crowd were composed of Chamberlain ———. Was fully persuaded from the appearance of the crowd that a row would be inevitable.

That this armed crowd remained at the polls until they were closed, and afterward followed the boxes inside of the church where the votes were to be counted, and remained therein till after the votes were counted.

That during the day, he at one time was so satisfied that there would be a row and bloodshed, that he himself drove off in his buggy to a safe distance.

I. HARLESTON READ.

Sworn to before me this 15th day of February, A. D. 1875.

R. L. FRASER,
Notary Public.

CONTESTEE'S PAPERS.

SAMUEL LEE
 vs.
 JOSEPH H. RAINEY. } Contested election.

Depositions of witnesses sworn and examined before George R. Congdon, esq., notary public, at Georgetown Court-House, in the State of South Carolina; said depositions taken pursuant to the notice, a copy of which is hereunto annexed; said depositions to be read as evidence for Joseph H. Rainey, contestee in the contested-election case now pending in the Forty-fourth Congress of the United States, wherein said Samuel Lee is contestant and said Joseph H. Rainey is contestee. Said depositions commenced on the 19th day of March, A. D. 1875.

Present, Joseph H. Rainey, contestee, and Samuel Lee, contestant.

Deposition of Collins Small.

Personally appeared COLLINS SMALL, and, upon being duly sworn, says:

On the 3d day of last November I was at the election held at Weehaw poll, in Georgetown County, South Carolina; was a manager at that poll; was there from 6 o'clock in morning until poll closed in the evening. There was no disturbance at the poll. There was some men there from Black River with guns; heard no threats there against men who voted the Green ticket; did not see any person hinder any man from voting as he pleased; heard one gun fire down in the road, about a quarter of a mile from the poll. I saw men vote the Green ticket there that day. No one molested them. I don't know of any man voting there who was under age. One presented himself to vote, but appearing under age, was refused. There was no demonstration of a row or intimidation during the day.

Cross-examination:

Was a manager at Weehaw poll. My hearing is good; can hear a gun a mile. Three boys came to vote. One was twenty and two were twenty-two years of age, but the boy twenty years old was rejected. Tim Giles came up and asked why they questioned the boy, as he had seen white boys smaller than that one vote. I did not tell Mr. Croft that I saw men around the polls with guns and pistols; did not tell him that I knew their names. Scipeo Singleton came there with his gun but left it outside. He was there as a guard. People passing along the road to town had guns, but passed right along. The poll is three miles from town. I did not leave the poll that day. The people said they were going to town. They had guns, one or two of them. Don't know if they were Green men or Chamberlain men. Green men voted at this poll that day. I cannot read, but I know Mr. Green's ticket when I see it. I did not see any men about the poll with guns except the one spoken of. I asked the men going along the road to come in and vote; they said they were Green men, and going to town to vote. I did not hear persons at the poll say that this was a Chamberlain box. Mr. Croft did ask me the next day who those men were that cursed about the poll. I told him I did not know; that the boy with the haversack was named Scipeo Singleton. I don't know Robert Champlain. I told Mr. Croft about Tim Giles and Scipeo Singleton. We allowed those to

vote who were from twenty-two years old up to fifty years old ; made no distinction whether they voted for Green or Chamberlain. I know that intimidation is threatening, and did not hear any person threaten to "pepper Mr. Croft with shot;" did not hear threats to "pepper" any one. When Mr. Croft told me that if there was a row and they should attempt to take the box to town what would be the effect, I told him that whatever was right I would back him in. The only way I know that the boy was twenty years old was that he told me so; and the others said they were twenty-two.

Redirect examination :

The only way I knew the men along the road were coming to town was that they told me so. They were the only men armed at all. I can't tell how old the managers required a man to be before voting; don't know the law in that respect. None voted under twenty-one years old. Mr. Croft was particular in that particular. I call a man from fifty years of age down, a man, but down to about seventeen years and so along, boys.

Recross-examination :

If a man tells me anything I will swear that he told me so.

his
COLLINS + SMALL.
mark.

Signed and sealed before me this 19th day of March, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of Cupid Nash.

Personally appeared CUPID NASH, and, upon being duly sworn, says:

I was at Weehaw poll on the 3d of November last, and voted there. I was there from morning until the polls closed. I did not hear any cursing or threatening against any man who attempted to vote the Green ticket. I did not see any armed men about the poll. I heard no gun that day about the poll. Collins Small sent me to see about a gun firing, but I did not hear any. I know the difference between the Chamberlain tickets and the Green tickets by the figures on them. Saw one colored man vote the Green ticket, and told him he could vote any ticket he wanted. Mr. Rainey was on the Chamberlain ticket and Mr. Lee had his own ticket on the outside. I did see men going along the road to Georgetown; some said they were going to town to vote, and some stopped to vote at Weehaw poll. No threats were made. I walked from the road to the poll. Nobody voted who was not entitled to vote. I saw two boys there, but they did not vote.

Cross-examination :

I stood at the road and told the boys to come up and vote. Saw one colored man vote the Green ticket. Was sent to see about the gun-firing but did not see anything—did not see men passing along the road with guns. Did not hear cursing about the poll. Some said they wanted to vote in town and some at Weehaw. Did not appear as there would be a row at the poll. There was fun—laughing and talking—about the poll. Was at the poll all day; if any disturbance had been there I should have seen it. Only one colored man voted there for Green. I saw everybody

who voted there that day. Mr. Smalls sent me to see who fired the gun, and told me to arrest him and take him up. I went about a quarter of a mile from the poll to arrest the party, and was absent half an hour. This was before the men passed along the road to Georgetown. No guns there or I would have seen them. I told them to have peace. I was appointed by the managers to keep peace. I did not tell Mr. Croft anything. I had no dispute with Mr. Croft.

Question. Do you know how old a boy ought to be before he can vote?—
 Answer. I don't know. There were three different kinds of tickets there that day. I don't know who was on the ticket for Congress. I voted for Chamberlain. Mr. Rainey was on my ticket. Can read very little. I did not know Lee had any ticket there. Somebody told me that he had a ticket there. Did not see anybody vote the "Sperry ticket." Did not know who was on the Green ticket for Congress. I searched the ticket I voted. I don't know who was on the Sperry ticket for Congress. I know that Mr. Rainey was on the Chamberlain ticket for Congress. Don't know who ran for Congress. I looked on my ticket and saw Rainey's name, and did not see any other name. I know that Mr. Rainey's name was on the Chamberlain ticket because I saw it. I distributed tickets to anybody who wanted them. I distributed the Chamberlain ticket and don't know who was on the ticket for Congress. I only searched the one I voted.

Redirect examination :

I did not stay at the poll all the time ; I went on my beat, from the poll to the road. I did not pay any attention to anybody running for Congress. Paid only attention to Chamberlain and Mr. Rainey being on the ticket.

his
 CUPID + NASH.
 mark.

Sworn to and sealed before me this 19th day of March, A. D. 1875.
 [SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of Edward Keith.

Personally appeared EDWARD KEITH, and, upon being duly sworn, deposes and says :

I voted at Weehaw poll on 3d November last ; was there only half an hour. I belong on Mr. Pyatt's plantation. I voted at about 10 o'clock in the day and left at about half past 10. I did not hear any cursing or swearing at the poll while I was there. Everything was quiet. Saw no guns there. Saw no one trying to vote under age—no boys. Did not see any one trying to make people vote different from what they wanted to vote.

his
 EDWARD + KEITH.
 mark.

Sworn to and signed before me this 19th day March, A. D. 1875.
 [SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of Scipio Singleton.

Personally appeared SCIPEO SINGLETON, who, upon being duly sworn, deposes and says :

I was at Weehaw poll on 3d November last, and voted there ; went there at 6 in the morning and remained until the votes were counted in the evening. I saw no disturbance at the poll. I walked from the table to the road as Nash did ; distance about 350 feet. Had I been at the road I could have seen any disturbance at the poll. I heard no loud cursing and swearing at the poll. I did not see any men there with guns. I don't know how many tickets were there. I know there were Chamberlain tickets and Green tickets. I can read. Mr. Rainey and Mr. Lee were running for Congress. There were three tickets, but I only looked at two. Mr. Rainey was on Chamberlain's ticket, and Mr. Lee was on Green's ticket. I can't tell if any man voted the Green ticket ; some men voted for Judge Green. I handed the tickets to several men who voted for Judge Green. I saw no man interfere with others who voted the Green ticket. I distributed both the Green tickets and the Chamberlain tickets. I saw men passing along the road to town. I did not hear any gun fire. I saw no one present himself to vote who was not qualified to do so.

Cross-examined :

I do not belong to the militia ; never saw them drill up there. I live at Mr. Pyatt's, and distributed tickets and voted for Chamberlain. I was appointed to distribute tickets by parties in town ; did not care whether Chamberlain was elected or Green. The men who sent me from town to Weehaw poll were Chamberlain men, and did not tell me which tickets to distribute. I carried some tickets from town, some Chamberlain tickets and some Green tickets ; saw nobody there with guns. I never invited anybody to vote. I gave persons either ticket they called for ; did not hear any one say "This is a Chamberlain box." I was paid for my services for that day by Mr. Rainey. I went up there as a Chamberlain man to distribute tickets.

Redirect examination :

I went up there to distribute tickets for both Chamberlain and Green men, but was paid only by Mr. Rainey.

his
SCIPEO + SINGLETON.
mark.

Sworn to before me this 19th day March, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of Tim Giles.

Personally appeared TIM GILES, and, upon being duly sworn, deposes and says :

I was at Weehaw poll at the last election, on 3d November ; just voted and came away ; saw no disturbance or heard no threats by anybody. Everything was peaceable and he came away.

his
TIM + GILES.
mark.

Sworn to before me this 19th day March, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Here the examinations closed for this day.

GEO. R. CONGDON, [SEAL.]
Notary Public.

Examination of witnesses resumed and continued this 20th day March, 1875, in the foregoing case.

Deposition of Joseph Bush.

Personally appeared JOSEPH BUSH, and, upon being duly sworn, deposes and says:

I was at the Santee poll on 3d November last, from early in the morning till night. The balloting was quiet the whole day. There were no threats against any man for voting as he pleased; there was no intimidation at all. There were a few men there with guns—about three guns. I met them about 700 or 800 feet from the poll and made them stack arms in the road, and they went and voted; I mean the three men. It is usual for men on Santee to carry their guns with them wherever they go. The three guns were the only ones I saw there. I saw a good many Green tickets in the hands of men; don't know if they voted them or not. I saw but one boy attempt to vote, and he was rejected and went right off.

I live on Santee and am acquainted generally with the people. The general feeling was in favor of Chamberlain. Mr. Rainey was for Congress on that ticket, and it was so universally understood. I was distributing tickets. I had an interest in it. The supervisors were there."

Cross-examined:

There was cursing and laughing occasionally, but that will happen among men.

Question. Could there not have been guns about the poll and you not see them?—Answer. There might have been, but I did not see them. The men were laughing and cursing and blaspheming to themselves. I do not know what intimidation is. I know what it means; it is to make a man do what he don't want to do. I was a Chamberlain man and was on both tickets. I was at the Chamberlain convention. I saw a great many men with Green tickets in their hands; saw men off from the polls distributing Green tickets, and saw many men vote the Green ticket. I did not go over a hundred feet from the poll the whole day. Did not hear men about the poll make threats against voting for Green. I did not go and meet the three men who had guns, but halloed to them about 600 feet to "stack arms;" it was not lawful for men to go to polls with arms. There were two Chamberlain tickets and one Green ticket. Mr. Lee was on the Green ticket for Congress and Joseph H. Rainey on the regular Chamberlain ticket for Congress and James H. Rainey on the other for Congress, the "outside ticket." I gave some of the outside tickets to two parties to distribute. I volunteered to distribute tickets.

Redirect examination:

My objection and that of others to the ticket was that James H. Rainey's name was on the ticket instead of Joseph H. Rainey. Only James

H. Rainey was on that ticket for Congress. I saw, may be, a couple of hundred of tickets in that way. I did not give out any of these tickets until all the regular tickets had given out. I then explained to the people that James H. Rainey and Joseph H. Rainey was the same. I did not know the James H. Rainey until after the election, and don't know him yet.

Recross examination :

I had several bunches of the James H. Rainey tickets.

JOSEPH BUSH.

Sworn to and sealed before me this 20th day of March, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of Charles H. Sperry.

Personally appeared CHARLES H. SPERRY, and, upon being duly sworn, deposes and says :

I was at Santee poll on the 3d November last, at the general election, and voted at that poll; got there about six in the morning, and did not leave until the votes were counted in the evening. I went there to serve as a supervisor, but had no paper to take notes, and so merely watched the proceedings. I saw no intimidation at or around the polls; had there been any I was in the position to have seen and heard it. I saw one or two whose votes were challenged, and they declined to vote and went off. There was no demonstration at all. The election passed off very quietly, so quietly that Mr. Trenholm and Barnwell congratulated those around for having so quiet election. Mr. Barnwell was a supervisor; Mr. Trenholm a manager. I saw no arms about the polls, but saw in the distance a party with guns who went off shooting after the election. They explained that they had brought their guns along, and as the day was broken into, they would go off shooting. One white man had a gun. I was a candidate for member of the lower house on the Chamberlain ticket. I had my own tickets printed in Charleston, and had Joseph H. Rainey put on it for Congressman. Soon after the tickets were printed I discovered a mistake in the letter "a" for "o," a typographical error. I wrote the name "Jos. H. Rainey," and when I received them I discovered that there was "a" instead of "o" between the J and the "s" which I intended. I wrote the manuscript in pencil. I received the tickets from the printer on Thursday or Friday evening late, and the election was on Tuesday following, too late to have them corrected. When I wrote that ticket I intended to have a *fac simile* of the regular ticket, with the exception of the name of Bruce Williams. Was asked if I discovered an error on the ticket by some of the friends. I told them yes, I had seen that in Charleston, and on trying to have the matter corrected, the proprietor and business manager of the paper, Messrs. Delano and Willoughby, agreed with me that it would amount to no difference, inasmuch as everybody knew that it was Joseph H. Rainey who was running. I instructed everybody who took my tickets out that in case the question was raised, to state to them that it was intended for Joseph H. Rainey. I had 4,000 tickets printed in that way. On the day of the election I saw all the different kinds of tickets used that day, and the name of James H. Rainey was on none of the tickets except those ordered by myself. Since ordering the tickets I had an

interview with the proprietor who printed them, and told him of the error. At the time of the election I did know of a "Jim Rainey," a boy, but had no thought of him at that time. I don't know that there is such a man in the county as James H. Rainey. I put the name of Joseph H. Rainey on my ticket for Congress because he was the regular nominee on the ticket that I intended to substitute. I knew that Mr. Lee was a candidate for Congress; it was generally known. The sentiment of the people, so far as I was able to judge, at Santee poll was in favor of Chamberlain and Joseph H. Rainey, the former for governor and the latter for Congress. I saw persons vote the Green ticket, but saw no man attempt to hinder them from doing so.

Cross-examination :

I saw no one prevented or threatened, nor heard of it since the election. Saw no guns stacked at the polls; saw what I took to be guns. I have heard it argued before the election that "persons who voted for Green would vote themselves back into slavery." I tried to get the nomination for member of the lower house in the regular republican convention, but did not succeed. I thought that before the meeting of the regular convention I would get the nomination. Mr. Joseph H. Rainey was chairman of that convention. I have had no hard words with him, and was not provoked by his management of the convention. I said on the streets that I did not think Mr. Rainey was in favor of my nomination; I say so now. I was not unusually excited the day of the convention. I agreed to allow my name to go on the ticket with Mr. Lee, provided it did not injure me. I don't recollect ever having volunteered my services to support Mr. Lee for Congress. I did not tell Mr. Lee that I would support him for Congress.

Question. Have you been promised the postmastership of this town by Mr. Rainey?

(Question objected to by the contestee's attorney.)

Answer. Some time after the election I learned there was to be a change in the post-office, and in conversation with Mr. Rainey I asked if he had made up his mind to recommend any particular one. He told me yes, he thought of recommending his brother, but in case his brother succeeded in getting another position, he would then consider his (Sperry's) application. I was appointed and accepted as a supervisor of Santee poll, and acted as such, and had anything occurred I considered myself empowered to interfere. I saw three different kinds of tickets that day at the polls. I worked for the Chamberlain ticket. I did not work for any ticket on that day. I acted strictly as a supervisor, and did not give out any tickets on that day. I did not tell my friends how to vote on that day. I never told any one that James H. Rainey on Waccamaw was my candidate for Congress and that I so intended when I put him on my ticket. I never told Samuel Lee that James H. Rainey was put on my ticket intentionally for Congress. I staid at Santee all day, and took it for granted that there were only three tickets at the other precincts, but don't know that James H. Rainey was on any other ticket at the other polls or not. I agreed with friends that Mr. Lee's name could be put on the regular Chamberlain ticket provided it worked to my interest. I was not willing for Mr. Rainey to be elected to Congress if it was against my interest.

Redirect examination :

I did not object for my name to be put on Mr. Lee's ticket if his supporters saw fit to do so. I was not willing for Mr. Rainey's name or any other man's to be put on my ticket if I thought it would injure it.

C. H. SPERRY.

Sworn to before me this the 20th day of March, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Here the examination closed for the day.

GEO. R. CONGDON,
Notary Public.

Examination of witnesses resumed and continued this 22d day of March, 1875.

Deposition of W. F. Johnson.

Personally appeared W. F. JOHNSON, and, upon being duly sworn, deposes and says:

I was at Weehaw poll on the 3d of November last, and had my papers to act as a supervisor, and acted strictly as such; was at the poll at 6 o'clock in the morning. I left the poll at 9 o'clock that evening, after votes were counted. I did not, any time through the day, see or hear any intimidation. I did not hear any threats to make any man vote in any way from what he pleased. I don't recollect seeing any guns at the poll that day. I heard guns fire at the plantation near the poll; plantation was two or three miles from the poll. No persons presented themselves at the polls to vote who were not qualified to vote to my knowledge. I saw two white gentlemen vote the Green ticket at that poll, and saw one colored man vote same ticket; nobody molested them. I voted the entire Chamberlain ticket except for the candidate for governor; I voted for Green for governor. I was around the ballot-box from the time I went there until I went away, immediately at it. I heard no altercation or trouble between the managers and the people that day. The election passed off very quietly; no threats made around the polls. No one complained that they had not voted at that poll, nor why they had not.

Cross-examined:

Mr. Sperry and Mr. Gibson brought my papers as supervisor, from Charleston. Before the election I did not go round through the country with the candidates. There might have been guns about the polls, in the bushes. I did not know of any guards about the polls that day; I did not see any. I heard guns firing, but judged them to be at the plantation. I did not distribute tickets that day, or try to induce any one to vote one way or the other. I never left the poll more than about ten feet that day. I did not see many men passing the road that day. They could not have passed along and I not have seen them. I was watching all day. I saw only two white men vote the Green ticket, and one colored man; they came up and took the tickets from the table, is the way I knew how they voted. There were very few men round the poll when the colored man voted the Green ticket. I did not see any person that day trying to persuade others to vote either for Chamberlain or Green. None but myself and the managers remained around the poll during the whole day.

Redirect examination:

The two white men voted about fifteen minutes after the colored man

voted for Green. I saw the owner of the plantation at the poll that day; he remained about ten minutes.

W. F. JOHNSON.

Sworn to and subscribed before me this 22d day of March, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of H. T. Bessellien.

Personally appeared, H. T. BESSELLIEN, and upon being duly sworn, deposes and says:

I was at Santee poll at the election on 3d of November last, and was a manager at that poll. I saw no intimidation that day, whatever. There were no guns brought immediately to the polls. I did not see any parties with guns around the polls. Two persons presented themselves to vote and were challenged; on examination we allowed one of them to vote, as being eligible. Saw several men vote the Green ticket that day. The election passed off very quietly. There was a dispute between two men; think it was about a private affair. I am well acquainted with the people in that section. From what I know the sentiment of the colored people was in favor of Chamberlain, and the white people were in favor of Green. The colored people are greatly in the majority. Samuel Lee was on the Green ticket for Congress, and on the Chamberlain ticket Joseph H. Rainey and James H. Rainey was for Congress.

The ticket upon which James H. Rainey appeared differed in size from that upon which appeared the name of Joseph H. Rainey, and also differed in print; also that the name of Charles H. Sperry was substituted for Bruce H. Williams as a candidate member of the lower house of the State assembly. I never heard of a man named James H. Rainey. There was no objection made to the ticket that had James H. Rainey's name upon it, of my knowledge.

Cross-examination:

I saw guns stacked up about a couple of hundred yards from the poll. I don't know what the two persons were quarreling about, as I did not hear the words. I did not see many colored men vote the Green ticket. I don't know "that a good many more colored men would have voted the Green ticket but on account of fear." I have had no conversation with Charles H. Sperry since the election. I have lived in this county about five years, and on Santee that time.

Redirect examination:

The guns remained stacked not less than an hour, and might have been longer. They were brought there about eleven or twelve o'clock.

H. T. BESSELLIEN.

Sworn to and subscribed to this 22d day March, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of Tony Hasel.

Personally appeared TONY HASEL, and upon being duly sworn, deposes and says:

I voted at Grier's poll on Pee Dee at the last general election. I arrived

there about 1 o'clock in the day and remained about an hour. I saw a few men there with guns, on both sides of the road. I did not see any one interfered with in voting. I went there with Charles Anderson, I mean Charles Addison; when asked who we were going to vote for, I told them we were going to vote for Green; I told them to let me alone, that I was going to vote for Chamberlain because Green was not a republican. I told them I was going to vote for Green in a joke, because the majority was on the other side. I was friendly with all. They did not interfere with me when I said that I was going to vote for Green. Three or four men said that "Green was not the man." I then told them I was going to vote for Chamberlain, and did so vote. I did not see any of the armed men drive away others from the polls. The armed men were lively and peaceable while I was there. Charles Addison said that "he was a Green man, and did not care a damn who was vexed or pleased about it." The boys who asked the question said "Come, let us tie him and lick him"—they said it joking.

The election passed off quietly.

Cross-examined :

When I went to the polls I found the majority of the people in favor of Chamberlain; they were all colored people.

(The question to which the above answer is given is objected to by the contestee, because it seeks to elicit incompetent evidence. GEO. R. CONGDON, *Notary Public*.)

The witness goes on now to say: Those men I found on both sides of the road with guns were in favor of Chamberlain. I was not scared at the time. No man stopped me as I went along to vote, except those men on the road with guns. They asked us who we were for. I told them that I was a Green man. When I left home I had no ticket in my hand. I met a man at the polls and asked him for a Chamberlain ticket, that that was the ticket I wanted. I did so before the man spoke to me. I voted that ticket. Charles Addison was stopped in the road to talk with the gentlemen who had guns. On the day of election, on going to the polls, I passed J. Harrelston Read in a buggy. I told him I was going to vote for Green.

(The question to which the above is an answer, is objected to by the contestee, because it is irrelevant and not germane to the issue. GEO. R. CONGDON, *Notary Public*.)

This witness goes on to say: I am friendly with Mr. Read, and lived with him twelve months. I was a delegate to the Green convention and went to it. I voted in the convention for the Green nominations to work for Magill; Magill was a Green man and was on both tickets. I know a Chamberlain ticket from a Green ticket. There were a great many of them of both sides at the polls. I worked for Magill before the election and up to the election till I found that he was thrown out. I promised Magill to stick to him if there was any chance. I was sent down as a delegate to the Green convention by the Green men. I did not tell Colonel Allston after the election that I voted for Green. I never have made any affidavit before W. P. Porter, esq., clerk of the court of this county in relation to this election.

Redirect examination :

I can't say that it is the custom to carry guns to the polls on election-days. Every colored man is in the habit of carrying his gun generally about with him.

his
TONY + HASEL
mark.

Sworn to and subscribed to before me this 22d day of March, 1875.
[SEAL.] GEO. R. CONGDON,
Notary Public.

Here the examination of witnesses closed for this day.
[SEAL.] GEO. R. CONGDON,
Notary Public.

The examination of witnesses in the above case resumed and continued, on this 23d day of March, 1875.

Deposition of George Windley.

Personally appeared GEORGE WINDLEY, and, upon being duly sworn, deposes and says :

I was at Grier's polls at the election on 3d November last, there. I got there between 8 and 9 o'clock in the morning and left between 4 and 5 o'clock that evening. I saw no disturbance that day at the poll while I was there. I was there and thereabout, in sight of the poll, all the time. I saw no one interfere with any person in attempting to vote. There were two tickets, Green and Chamberlain tickets. I saw one colored man vote the Green ticket. Nobody troubled him or interfered with him in any way. I know Charles Addison and saw him there that day. He was not interfered with for voting the Green ticket. I did not see him vote it. I think it is usual in gatherings like that for men to carry their guns along with them. This is the practice in my neighborhood. I saw no one challenged that day in presenting themselves to vote, nor did I see any one vote who was not qualified to do so. I saw both the Chamberlain and Green tickets distributed that day. I voted the Chamberlain ticket, upon which was Joseph H. Rainey for Congress.

Cross-examined :

I have been living in this county about two years and three months, in the neighborhood of Grier's church, or Grier's poll. I don't know much about the customs of the people in this county, except in that neighborhood. I did walk away from the poll sometimes during the day, but did not go out of sight; was round and about the polls all the time. I saw men coming up the road with guns, but don't know how many. I saw men in the church-yard with guns. I did not see Charles Addison vote, and don't know when he voted. I don't know what ticket he voted. I did not keep my eyes on him all the time. He may have stopped and I not have seen him. When I first saw him he was inside the church-yard. I don't know whether or not he was stopped on the road in coming up to the poll. I know that he was not interfered with in the church-yard. When Addison left the polls he returned in the same direction from which he came. When he left the polls, I noticed no one with him particularly. There was no crowd around him any more than around any other man. I could not tell what went on in the road each way from the church. If there had been a fuss a mile or two off, I could not have known it; but if there had been a fuss within sixty yards of the poll, it must have been kept very secret, or I would have known it. I consider "a fuss" is men quarreling and fighting. If a fuss occurred on a clear, bright day within sixty yards of me I would know it. There are woods around the polls, large trees and small ones. I voted

the Chamberlain ticket, and think that Joe Rainey was on it for Congress. I am satisfied he was on it, to the best of my understanding. I spelled enough on it to know that Rainey's name was on it.

Redirect examination :

A man can see all around the polls for the distance of one hundred yards.

his
GEORGE + WINDLEY.
mark.

Sworn to and subscribed to before me this 23d day of March, 1875.
[SEAL.]

GEO. R. CONGDON,
Notary Public.

Here the examination of witnesses closed for this day.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

The examination of witnesses in the foregoing case resumed and continued, on this 24th March, 1875.

Deposition of Albert Singleton.

Personally appeared ALBERT SINGLETON, and upon being duly sworn, deposeth and says:

I was at the Grier poll at the election on 3d November last, and served as a manager. I saw nothing at the polls like intimidation that day. I saw men at the polls with guns, but they took no active part at all, that I saw, except to vote. There were a party of huntsmen called there with guns, and voted; the party were both colored and white men. I saw men there that day who told me that they had voted the Green ticket. No person voted there that day who was not entitled to vote, to the best of my belief.

Question. From what you know and from what you saw, was there anything like intimidation there that day, to prevent a man from voting just as he pleased?

Answer. There was not. I was impressed with the peacefulness and quiet manner in which the election passed off. I voted for Green; Mr. Lee was on that ticket for Congress. There were three tickets there that day; I don't know who was on the outside ticket for Congress or for governor.

Cross-examined:

There was a clump of trees coming up to within thirty or forty feet of the polls, forming the grave-yard to the church. A difficulty might have occurred near the polls and I not have known it.

Redirect examination :

The clump of woods spoken of was on the rear of the polls, a road coming up on both sides of the thicket. Three-fourths of the space around the polls was open; the thicket was mostly underbrush, and thick. I saw parties going through the thicket that day. I believe it was a resort generally for persons to go and attend to the requirements of nature. I went there with others for that purpose that day.

ALBERT SINGLETON.

Sworn to and subscribed to before me this 24th day of March, 1875.
[SEAL.]

GEO. R. CONGDON,
Notary Public.

Deposition of Robert Small.

Personally appeared ROBERT SMALL, and, upon being duly sworn, de-
poseth and says:

I was at the Santee poll as a manager, at the election on 3d November last. I saw nothing like intimidation at the poll that day; I was there all day, and everything was quiet. I saw nobody vote who was not entitled to do so. They were all examined by the managers. There were two tickets on the table, that I saw, Green and Chamberlain; these were all I saw. I did not see any one take tickets from the table and vote. Each man who voted brought his ticket with him and voted, and I could not tell how they voted. I saw no guns there that day.

Cross-examined:

I did not hear any cursing and threats around the polls; I paid no attention. I never left the poll at all, and paid no attention to armed men being on the road.

Redirect examination:

I was at and around the poll all day, and I saw no armed men there, at all.

ROBERT P. SMALL.

Sworn and subscribed to before me this 24th March, 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Here the examinations closed on the part of the contestee.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Certificate of notary.

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

STATE OF SOUTH CAROLINA,

Georgetown County:

This is to certify that the foregoing are the depositions of the witnesses examined before me, in the above-stated cause, on and in the behalf of Joseph H. Rainey, contestee in said cause; that said examination of the witnesses began on 19th March, 1875, and closed on the 24th day of March, 1875.

In testimony whereof I hereunto set my hand and affix my seal of office, this 15th day of April, A. D. 1875.

[SEAL.]

GEO. R. CONGDON,
Notary Public.

Notice to take depositions at Georgetown.

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

To SAMUEL LEE, Esq.:

SIR: Please to take notice on the 19th March, A. D. 1875, at Georgetown court-house, South Carolina, I will begin to take testi-

mony before George R. Congdon, esquire, notary public for Georgetown County, to adjourn from day to day, the depositions of the following parties, which will be read as evidence in the above contested cause: James Magill, Benjamin F. Avont, Charles S. Green, George Windly, Albert Singleton, Charles H. Sperry, Louis Besslien, Robert Smalls, Toney Hazell, Peter Brown, William Eady, Scipio Singleton, Tim. Giles, Edward Keith, Cupid Nash, Collins Smalls, Francis Johnson, E. C. Rainey, James H. Rainey, J. Harvey Jones, Joseph Bush, Dr. H. F. Herrick, Daniel Armstrong, S. B. Gibson, Bruce Williams, William S. Croft, Jonathan Baxter, and Ephriam Johnson.

JOSEPH H. RAINEY.

Notice to take depositions at Bennettsville, Marlboro' County.

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

To SAMUEL LEE, Esquire :

SIR: You will please take notice that I will proceed to take the depositions of the persons named below, at the town of Bennettsville, in the county of Marlboro' on Saturday, the 3d day of April, proximo, before J. Wesley Smith, notary public for said county. The persons whose depositions will then and there be taken as aforesaid, are as follows, to wit: Columbus Green, Frank S. Hazle, Sandy McLean, William Faison, Thomas David, sr., Joel Covington, Anderson Davis, Daniel C. Odom, A. H. Knight, J. S. Leggett, D. P. McLaurin, J. L. Bruden, H. J. Maxwell, J. D. McArthur, John W. Thomas, J. L. Easterling, James Bowman, and Plim Lampley.

GEORGETOWN, S. C., March 24, 1875.

J. H. RAINEY.

Personally appeared Jos. Collins, who upon oath says that he did, on the 24th day of March, A. D. 1875, personally deliver to Samuel Lee a copy of the within notice.

[SEAL.]

JOS. C. COLLINS.
GEO. R. CONGDON,
Notary Public.

SAMUEL LEE, CONTESTANT,
vs.
JOSEPH H. RAINEY, CONTESTEE. } Contested election.

Pursuant to notice served on Samuel Lee, esq., on the 24th day of March, 1875, as appears by the returns on the original notice, the following testimony has been taken before me, this the 3d day of April, A. D. 1875, at Bennettsville, South Carolina.

Deposition of Columbus Green.

COLUMBUS GREEN sworn :

Question. Are you a citizen of this Marlboro' County ?—Answer. I am.

Q. At what poll were you on the 3d of November, the day of the last general election ?—A. At Red Bluff, in this county.

Q. Do you know Murdock Smith ?—A. I do.

Q. Did he vote there that day, and if so, in morning or afternoon ?—
A. He did, and in the afternoon.

Q. What ticket did he vote ?—A. He voted the ticket with Lee's name on it for Congress.

Q. With whom did Smith come to the polls ?—A. Alex. McColl.

Q. Did more than one man of the name of Murdock Smith vote on that day at that poll ?—A. No, only one.

Q. Do you remember seeing two men who gave their names as Green and Dick vote at that poll, on that day ?—A. I do.

Q. Did they vote the Lee ticket or the Rainey ticket ?—A. They both voted the Lee ticket.

Q. Did they live in the county at that time, or before, or since ?—A. No.

Q. Did they not state to the managers of election that they were not residents of the county ?—A. They did, and voted for Lee.

Q. In what capacity were you acting on that day ?—A. I was one of the managers of election.

Q. That being the case, why did you allow Green and Dick to vote ?—
A. I objected, but was overruled by the other managers.

Q. Did you see a man vote there whose name was Morrison ?—A. I did, and he voted for Lee.

Q. Where did he say he was living at that time ?—A. In North Carolina.

Q. Did you object to his voting ?—A. I did, and was overruled.

Deposition of Joseph L. Breeden.

JOSEPH L. BREEDEN sworn :

Question. Where were you on the day of the last general election ?—

Answer. At the Bennettsville poll, in this Marlboro' County.

Q. Did you see Wm. H. Parham vote on that day ?—A. I did.

Q. What ticket did he vote ?—A. He voted a part of the Green, or conservative ticket.

Q. In speaking of his voting a part of the Green ticket, do you not know the fact that he tore off the county part of the Green ticket, and voted the balance ?—A. I do.

Q. Had he not been the resident of another county for more than a year before said election ?—A. He had been.

Q. Does he still reside in another county ?—A. He does.

Q. Were you present when a colored man by the name of Ab. Johnson wanted to vote at this poll, on that day ?—A. I was.

Q. Was he allowed to vote, and if not, why not ?—A. He was not allowed to vote because he had not been in the county long enough. He had been living in Darlington County, of this State, which adjoins this county.

Q. Did you see a man by the name of Alford vote on that occasion ; and if so, what ticket did he vote ?—A. I did, and he voted the Green ticket.

Q. Did he not state to the managers that he had only been in the State since the last of the September previous to the election ?—A. He did.

Deposition of James S. Legett.

JAMES S. LEGETT sworn :

Question. Where were you on the day of the last general election ?—

Answer. At Red Bluff, in this county.

Q. Did you return home for dinner about the middle of the day, and then come back to the polls ?—A. I did.

Q. As you were going home for dinner, whom did you meet ?—A. Murdock Smith and Alex. McCall. They were going towards Red Bluff.

Q. You know Murdock Smith, and also his father ?—A. I do, very well.

Q. Where do they live, and where were they living at that time ?—A. In the upper part of Marion County.

Q. How far do they live from Little Rock polling-place, in Marion County ?—A. About four miles.

Q. How far is it from their residence, in Marion, to Red Bluff polling-place, in this county ?—A. About six miles.

Q. Columbus Green has mentioned the fact that two men by the name of Green and Dick voted at Red Bluff on that day. Do you know whether or not they did ?—A. I know that they did, and that they voted for Lee.

Q. Did they live in this county ?—A. They have never been residents of this county.

Q. Do you know of any other illegal vote received at that poll on that day ?—A. I know that a man, whose name I cannot remember, was allowed to vote, who had not, at that time, been in the State for one year, and that he voted the Green ticket.

Deposition of Alexander McLean.

ALEXANDER MCLEAN sworn :

Question. Do you know Thomas Jenkins ?—Answer. I do, and have known him for the last twenty-five years.

Q. How long has Thomas Jenkins been a citizen of this county ?—A. For the last four years.

Q. What has been his occupation during that time ?—A. Building houses in various parts of the county.

Deposition of William Faison.

WM. FAISON sworn :

Question. How long have you known Thomas Jenkins ?—Answer. About eight years.

Q. Where has he lived for the last four years ?—A. In this county. He is a house-carpenter by trade.

Deposition of Anderson Davis.

ANDERSON DAVIS sworn :

Question. You were one of the managers of election at this, the Ben-

nettsville poll, on the day of the last general election, in November last?—Answer. I was.

Q. Did you object to William H. Parham's vote being received?—Answer. I did, but he was allowed to vote. He voted the Green ticket. He was not living in this county at that time, and had not been for some time, and does not live here now.

Q. Why didn't Ab. Johnson vote?—A. Because he lived in this county part of the time, and in Darlington County part of the time.

Q. How would Ab. Johnson have voted?—A. He wanted to vote the Chamberlain ticket. That was the ticket he had in his hand when he came up to vote.

Deposition of Daniel C. Odom.

DANIEL C. ODOM sworn :

Question. Do you know Peter Rivers?—Answer. I do, and have known him since 1859. At that time he could not have been more than two years old. I know from this fact that he is not now more than eighteen years of age. I also know that he was excused from road-duty last year, for not been eighteen, the required age.

Q. Did he vote in the last general election, and, if so, how?—A. He did, and voted the Green ticket, at Red Hill, in this county.

Deposition of Achilles H. Knight.

ACHILLES H. KNIGHT sworn :

Question. Where did you live in 1859?—Answer. At Samuel Odom's, in Chesterfield County.

Q. How far did the father of Peter Rivers live from Samuel Odom's, at that time?—A. About one mile.

Q. How old was Peter Rivers in 1859?—A. He could not have been more than a year, or a year and a half old. I knew the family very well, and I knew Peter was not born up to March, 1857, and I remember this date by leaving the neighborhood at that time, to go to school. This Peter Rivers is the son of Mark Rivers, who now lives in Red Hill Township, in this county, and is the same person alluded to in the testimony of D. C. Odom.

Deposition of Joel L. Easterling.

JOEL L. EASTERLING sworn :

Question. What office have you held in this county?—Answer. I was sheriff, from 1868 to 1872, and county commissioner, from 1872 to 1874.

Q. I see from the testimony of A. G. Johnson, heretofore given in this matter, that he heard it rumored that you had threatened James Bowman in regard to the election last year. Did you threaten him?—A. I did not, and have always been friendly with him, and am still so. I have never threatened Bowman, nor anybody else about voting, either in the last or in any previous election. I assert this most positively.

Q. During the last election, what was the interest manifested?—A. There were two county and State and congressional tickets, and an unusual degree of interest was manifested by the Chamberlain men and the Green men, and an extra effort was made to bring out every voter, and consequently a very large vote was polled.

Q. Was there as much interest manifested in the previous election as in the one last year?—A. There was not. In the general election before the last, there was only one ticket in the field for Congress and for county officers, and consequently not so much interest was manifested.

Deposition of Phin Lumply.

PHIN LUMPLY sworn :

Question. Did you, in 1870, or at any other time, hear Joel L. Easterling say he would put men in jail if they did not vote the republican ticket, or if they voted against it? Or did you ever say to A. G. Johnson, or in his presence, that you had understood that said Easterling had made such threats?—Answer. I never heard Easterling make any such threats, and I never said at any time, in the presence of A. G. Johnson, or anybody else, that I had understood anything of the kind.

Certificate of probate judge.

I, the undersigned, do hereby certify that the foregoing-named witnesses, Columbus Green, Joseph L. Breeden, James S. Legett, Alexander McLean, William Faison, Anderson Davis, Daniel C. Odom, Achilles H. Knight, Joel L. Easterling, and Pline Lampley, were duly sworn by me to tell the truth, the whole truth, and nothing but the truth concerning the subject-matter of their examination in the contest in which their testimony was taken prior to their testifying; that their testimony was taken down in long-hand by me correctly and faithfully, as set forth in the ten foregoing pages, same being the original testimony taken.

[SEAL.]

J. WESLEY SMITH,

Judge of Probate and Trial Justice, Marlborough County, S. C.

BENNETTSVILLE, S. C., April 3, 1875.

EVIDENCE IN REBUTTAL FOR CONTESTANT.

Notice to take rebutting evidence.

SAMUEL LEE	} Contested election.
vs.	
JOSEPH H. RAINEY.	

To Hon. JOSEPH H. RAINEY, *Georgetown, S. C.*:

SIR: Please take notice that, at Georgetown court-house, State of South Carolina, on the 8th day of April instant, I will commence to take testimony in rebuttal in the above-stated case, before R. L. Fraser, esq., notary public, to be adjourned from day to day. The following witnesses will be examined: George R. Congdon, H. Kaminski,

Blair Anderson, James A. Bowley, D. P. Reynolds, George Pawley, Thomas Judon, Anthony Judon, William Brunson, Henry W. Clark, Rev. Ephraim Johnson, R. I. Middleton, S. S. Verner, Moses White, Pompey Singleton, James M. Magill, Henry W. Smith, Isaac Hume, William Moreland, Henry Williams, Julius Smalls, James Hopkins, Louis Jackson, Edward Lawrence, Jobe Mazyck, Bruce Williams, James Grier, John Grier, Samuel Benjamin, C. L. Havens, Rupel Grion, William S. Croft, William P. Porter, Rev. Paris Dennison, S. Emanuel, ——— Washington, and Samuel Lee, and their testimony will be read as evidence in the case.

SAMUEL LEE.

GEORGETOWN, S. C., *April 2, 1875.*

Copy served upon me this 2d April, 1875.

J. JENKINS HUCKS,
Attorney for Contestee.

Notice to take additional evidence.

SAMUEL LEE
vs.
JOS. H. RAINEY. } Contested election.

Hon. JOS. H. RAINEY :

SIR: Please take notice that during the taking of testimony in rebuttal to begin on the 8th instant, I will introduce and examine the following additional witnesses: Rev. James Morrell, Rev. Nathaniel Hughes, R. N. Guyton, and Lisbon Moultrie.

SAMUEL LEE.

APRIL 6, 1875.

Served on me this 6th April, 1875.

J. JENKINS HUCKS,
Counsel for J. H. Rainey.

Caption.

STATE OF SOUTH CAROLINA,
Georgetown County :

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election.

Depositions taken at Georgetown, S. C., on April 8, and *seq.*, 1875, before R. L. Fraser, a notary public in and for the State of South Carolina, on the part of contestant, contestant and contestee both being present.

Deposition of Russell Green.

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election. (In rebuttal.)

STATE OF SOUTH CAROLINA,
Georgetown County :

Before me, R. L. Fraser, a notary public in and for the State of South

Carolina, personally appeared RUSSELL GREEN, who, being duly sworn, testified as follows :

That he lives on Pee Dee, at "Muster Shed;" been living there about twenty-eight years; voted at Grier's poll, at the election on 3d November last. Arrived at the poll at 6 a. m.; staid there until 8 a. m.; did not see any men around with guns on the road when he was returning home; met about a dozen men with guns and dogs going towards the poll; these men said nothing to him. Voted the Chamberlain ticket; went there for that purpose; voted the small Chamberlain ticket, with James H. Rainey for Congress, and Charles Sperry for the legislature; this was called the "Sperry ticket." That when he voted that ticket, that he intended to vote for James Rainey, the name on the small ticket, and not for Joseph H. Rainey, the name on the large ticket. That he knows Joseph H. Rainey and James Rainey. That there were two names on the large Chamberlain ticket, viz, Joseph H. Rainey and Bruce Williams, whom he did not want to vote for, and therefore he voted the small ticket.

Cross-examination :

That he knows James Rainey, who lives at Waverly; that he voted for James Rainey, and voted the Sperry ticket because he cared for Chamberlain, Charles Sperry, and James Rainey, three candidates thereon, according to promise. That he did not know that Joseph H. Rainey was running; did not know at the time he was voting that Joseph H. Rainey was running; while he was at the polls saw no one threatened.

Redirect :

Did not know before he went to the polls that the name of Joseph H. Rainey was on the large ticket. After he got to the polls he had the tickets read, and then found out that the name of Joseph H. Rainey was upon the large ticket, which was the first information he had as to the same.

Question. Then that is what you mean when you state that Joseph H. Rainey was not running?

Answer. Yes; I had no idea about it.

Q. Did you ever hear that Joseph H. Rainey said that he did not want the votes of this county?

(Objected to as irrelevant.)

A. Joseph H. Rainey never told him so, but that he heard that he had said so; that he had made up his mind before going to the poll, that he did not intend to vote for Joseph H. Rainey.

his
RUSSELL + GREEN.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 8th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of H. W. Smith.

Next appeared H. W. SMITH, who, being duly sworn, testified as follows :

Lives on North Santee; voted at the last election at Santee poll;

voted the Green ticket with Samuel Lee on it for Congress; was at the polls from 6 a. m. to 3 p. m.

Question. Did you see any intimidation on that day against the Green ticket?—Answer. Yes; while he was going to vote the Green ticket, he was told that if he voted the Green ticket he would get a ball in him. Was told this by a lad by himself on the road. Said he would vote that ticket or die. When he returned back distributing the Green tickets, was threatened by a crowd of men, but it took no effect on him; then the crowd brought a gang of females with brick-bats; this was within one hundred yards of the polls; they tried to drive him from the polls, because he was for the Green ticket, and the men on that ticket. That when he offered the Green tickets to some of them, they said they intended to vote for Chamberlain, Gleaves, and James Rainey, and “You get away from here, that is the ticket we were told to vote.” Remained at the poll and tried to get others to vote the Green ticket; but that every one who tried to vote the Green ticket were driven to vote the Chamberlain ticket. They were not intelligent but were ignorant rice-field hands, who did not know what they were doing. That he knew that many of these men were in favor of the Green ticket and all the names on that ticket before they went to the polls. These Green men were frightened within two hundred yards of the poll by armed men. The managers could not see these armed men from the polls; the polls being recessed about one hundred and fifty feet from the public road. Did not know any of the men who were threatened, because he did not go among them, believing himself to be *spotted* as being a Green man and a democrat who had voted the democratic ticket; and that all the Green tickets he placed in the hands of several voters were knocked out of their hands, and Chamberlain tickets substituted therefor. That there were two Chamberlain tickets, with the names of Joseph H. Rainey and James H. Rainey on each respectively; but that the tickets with James H. Rainey on them did not take any effect. That he saw Ned Green, who was to vote the Green ticket, surrounded at the branch, but without effect; that as Ned Green advanced directly to the poll, he did not see him attacked; because he, himself, was going up to the poll with a man who wanted to vote the Green ticket; he was told not to vote the Green ticket, because it was a democratic ticket. This man then changed his ticket and voted the small Chamberlain ticket upon which were the name of Chamberlain, Gleaves, and James Rainey and others.

Cross-examination:

That he met the boy in the road about one hundred yards from the polls. Went to the polls at an early hour, and remained there for the purpose of stimulating the Green voters. Whatever was said to him in intimidation had no effect in driving him from the polls; that no man laid hands upon him. This crowd had no weapons; that he was at the branch distributing tickets, waiting for voters who were coming to the polls; that a man said to him that he was a d—d son of a b—h for coming there to vote the Green ticket; replied that he wasn't worth arguing with a dog, when the man stepped off about twenty steps and brought up about a dozen women armed with bricks, but that no bricks were thrown. There was no voting at the polls at all; that he gave a Green ticket to one man, and before he got to the poll four men came up and said that was the wrong ticket, and gave him another, which he voted. This man's name was Washington. That the Green ticket which this man held in his hand to vote was knocked out of his hand by these four men, and then a Chamberlain

ticket given him, which was a "Sperry ticket," (the one he asked for,) and he voted that ticket. That he saw about a dozen tickets taken away from voters, but he does not know the names of these men, although he has been living on Santee for eighteen years and more. He gave tickets to some of these same men in the morning.

Q. What do you mean when you say that you were spotted?—A. That several men pointed to him, and warned others against him, as being a Green man, which he thinks intimidated them; that a man who enjoyed his own opinion could not be intimidated from voting; that the men who approached Ned Green had no weapons, but heard a great "to-do" around him. Did not see nor hear much excitement; that he never saw any of the candidates during the election.

Q. Why were you objectionable during the election on Santee?—A. Because I was a Green man, and voted the Green ticket; because the people said that Green was a democrat.

Q. Are you sure that it was not because you were engaged in a riot in Georgetown in August last?

(The above question is objected to by the contestant, because the witness has already given his reason why he was objectionable to the people, and there is no evidence before this court that he has been engaged in a riot.)

A. No.

Redirect:

He means to say that there was no riot immediately at the polls; that this man Washington told deponent that when the Green ticket was knocked out of his hand he was afraid; that there are hundreds of rice-field hands on Santee that he does not know. These rice-field hands shift their places of residence from place to place; that there are some men living on a place with him five or six years that he does not know.

H. W. ^{his} + SMITH.
mark

Attest: A. JENKINS HUCKS.

Sworn to before me this 8th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Isaac Hume.

Also personally appeared ISAAC HUME, who, being duly sworn, testified as follows:

Lives at South Island, and voted at Santee poll at the last election. That on the day of election saw about fifteen men in a crowd, with about six guns stacked up in the road, about one hundred and fifty yards from the poll, at the foot of the branch. He and his brother was in a buggy, and as they passed his brother was asked how he was going to vote. Answered, "as he pleased." They then said that he had better take care how he was going to vote for Green, or he would get a ball in him. These men remained at the same place all the time that he was at the polls; they drove on and met another crowd with guns, who were stationed in the road; reached the polls about eight a. m.; stopped there about ten minutes, and went right back home. While at the polls saw no one who wanted to vote the Green ticket besides himself, his brother, and Henry Smith.

That after the election he heard men say that if they had found out any who voted the Green ticket they would put them to death.

(Objected to by contestee that the witness cannot tell what intimidation there was after the election, because the intimidation must be direct and immediate.)

That the majority of the laborers on Santee are rice-field hands; that there are a very few whites, comparatively, in that section.

Cross-examination :

That the crowd nearest the poll was quiet, and that he saw nothing wrong going on at the poll. Heard very few men talking in favor of Green before the election.

his
ISAAC + HUME.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 8th day of April, A. D. 1874.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Samuel Benjamin.

Next appeared SAMUEL BENJAMIN, who, being duly sworn, testified as follows :

That on 3d November last, at the late election, voted at Grier's poll. Did not vote at his usual place of voting at Birdfield, because the poll at that place was broken up. Met a crowd going up the road who told him that they were going to Grier's poll to vote. Did not go with that crowd, but that he went along with Cudjo Robinson and Toney Hasell. That all three of this party started to Grier's poll to vote the Green ticket; that he and Cudjo Robinson voted the Green ticket, but that Toney Hasell got scared and voted the Chamberlain ticket; that Joe Brunson met him near the polls with his hands full of tickets. Tried to make him take a ticket and to head him off from the poll, because he would not take the ticket; that he had heard before he reached the poll that Joe Brunson was a Chamberlain man, and therefore would not take any of his tickets. Saw about a hundred men on the road leading to the polls, many of them armed with guns; that Toney Hasell stopped in this crowd, when he missed him entirely; that Toney Hasell was known at home to be a Green man, and that he told him, the deponent, on the road, that he was going to vote the Green ticket; that he knows Washington Singleton did not vote at all on that day, because the polls were broken up at Birdfield, and he would not go up at Grier's poll, and that he would have voted the Green ticket; that he was a Green man. .

Cross-examination :

That when he says that Birdfield poll was broken up, he means that the people who were to vote there had to go up to Grier's poll to vote; that he passed Brunson on the road; did not speak to him. Brunson handed him tickets, and persisted in his taking them. Passed on the road to the polls; stopped by no one besides Brunson and Sam. Close; that then he voted the Green ticket openly without opposition; that he says that Toney Hasell voted the Chamberlain ticket because he did not go along up to the poll with himself and Cudjo Robinson. Nobody

said anything to him except Sam. Close, who cursed him. Everything was quiet when he put his ticket in the box, and no one troubled him save Sam. Close and Brunson, as already stated.

Redirect :

Knows that Toney Hasell did not vote the Green ticket, because he stopped in this crowd, and this is what he meant when he says he knew that Toney Hasell did vote the Chamberlain ticket; that Toney Hasell did not go up with him and Cudjo to vote, and therefore he thinks that Toney changed his mind and voted the Chamberlain ticket. He heard after the election that Toney did vote the Chamberlain ticket.

(Objected to as hearsay.)

That when he says all was quiet, he means right at the voting-box. This crowd of armed men was outside of the yard in the road, about 25 yards from the poll. Sam. Close had a gun, and seemed to be the leader of that crowd; that Sam. Close said, "let them go and vote; nothing but damned loafers would vote for Green, and so soon as they are done they had better get off from here damned quick;" that he, deponent, did not tell them how he was going to vote. At that time they did not know how he was going to vote; they only suspected.

his
SAMUEL + BENJAMIN.
mark.

J. JENKINS HUCKS.

Sworn to before me this 8th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of James Grier.

Also appeared JAMES GRIER, who, being duly sworn, testified as follows:

That he voted at Carver's Bay poll; was first at Grier's poll; did not vote at Grier's poll because he was afraid to vote there; that he was threatened, before the election, not to vote the Green ticket; and, upon the day of election, when he went to Grier's poll, saw men there armed with guns, and Samuel Close had a gun and appeared to be the leader, so was afraid to vote, and went on to Carver's Bay and voted. When he returned in the evening he stopped at the poll (Grier's) about three-quarters of an hour; that he and Joseph Ford left this poll together on horseback; this crowd was moving down the road, about three deep, in the same direction, and that as he and Joseph Ford passed, one of this crowd (Bob Green) struck Joe's mule on the head with a stick. Bob Green said if he did not mind he would break the "pole of his neck;" that Joe Ford told him, deponent, that he had voted the Green ticket; that he knows Toney Hasell; knows him to have been a Green man up to the election; saw Toney after the election, who told him that he had voted the Chamberlain ticket because so much guns at the poll had scared him from voting the Green ticket; told this in the presence of others. Birdsfield is his nearest poll; this poll was not opened because one of the managers, March Singleton, had failed to qualify.

Cross-examination :

That some time before the election there was some threatening against him and all who were going to vote with him; because of this threaten-

ing which induced him to vote at the Carver's Bay poll; that there were over a hundred men at Grier's poll, and this scared him; did not see these men doing anything, no more than what was said to him; stopped three-quarters of an hour with these men, and they talked pleasantly with him; saw no disturbance at this poll; when he came back heard a great cursing in the road near the Grier's poll; that he had about a dozen Green tickets to distribute along the road.

Redirect:

That he did not get off his horse, going nor coming, and did not give these men any occasion to speak otherwise than pleasantly; that he saw no disturbance immediately at the polling-box.

his
JAMES + GRIER.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 8th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Hines Washington.

Also appeared HINES WASHINGTON, who, being duly sworn, testified as follows:

That he voted at last election at Georgetown poll; regular place of voting, Birdfield; came to Georgetown on account of a great many threats made against men going to vote at Grier's poll; these threats were made against the Green men; that he would be more protected in Georgetown. A good many men came to Georgetown, and a great many went to Grier's; Grier's was the nearest. Heard a great many say, after election, that they did not go to vote at all because the poll had been moved from Birdfield, and they wouldn't take the trouble to walk to Grier's. Some of these were Green men, viz, Joe Meleburn, John Cabe, Sam Gallant, Washington Singleton, and Stephen Caben, who would not go to Grier's poll because it was too far to walk there; that what he understood to be the reason that there would be no poll at Birdfield was, that March Singleton, a manager, did not qualify.

Knows Toney Hasell; saw him on election-day at Birdfield; said that day that he came there with the intention to vote for Green. Toney Hasell went up to Grier's to vote; afterward Toney told him that he had voted the Chamberlain ticket, because men with guns at Grier's poll had scared him from voting the Green ticket. Toney was known up to the day of election to be a Green man.

Cross-examination:

That he heard threats, but that no one threatened him. Came to Georgetown from Keithfield in a tug-boat.

his
HINES + WASHINGTON.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 8th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Cudjo Robinson.

That he knows Toney Hasell; that he did not vote the Green ticket as he intended, because he said he got scared after he got up to the poll at Grier's. Told this since the election in the presence of Hines Washington and Samuel Washington.

Cross-examination :

That Toney says he was scared because several men who had guns made him vote the Green ticket. These men had hold of him, but does not know that they did him any bodily harm.

his
CUDJO + ROBINSON.
mark.

Attest : J. JENKINS HUCKS.

Sworn to before me this 8th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Nathaniel Hughes.

Also appeared NATHANIEL HUGHES, who, being duly sworn, testified as follows :

That his occupation is that of a minister of the Gospel. Resided in this county before and since the election. That he was a Green man; that at the election on 3d November last, voted for Green; that after the election he went back to his church and was told that he was a Green man and could not preach in that church; that one of the stewards of that church prevented him from entering the pulpit because he had voted the Green ticket; that these threats were made against him by Chamberlain men. The name of Samuel Lee was on the Green ticket for Congress. Has heard persons say that if any people voted the Green ticket they would be put back into slavery; that before the election knew many persons who had intended to vote the Green ticket, but who he knows did not vote in that manner upon the day of election.

(The whole of this testimony is objected to by the contestee, upon the ground that it is "incompetent, irrelevant, and not germane to the issue, part of it founded upon supposition only.")

his
NATHANIEL + HUGHES.
mark.

Attest : J. JENKINS HUCKS.

Sworn to before me this 9th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Henry Williams.

Also appeared HENRY WILLIAMS, who, being duly sworn, testified as follows :

(Objected to by contestee as not being named in notice, and, as Santee poll not being considered in the complaint, as to its returns being objected to.)

That on 3d November last, day of election, voted at Santee poll; that as he was going to the poll, met a crowd of armed men along the road who told him that he should not vote the Green ticket; if he did that he would be put back into slavery; that they believed he was a democrat anyhow; that after voting, this same crowd followed him down the road and threatened him that he had better get away or they would beat him; that he was nothing but a d——d democrat for having voted the Green ticket.

Cross-examination:

That these men who met him on the road argued with him, that if he voted the Green ticket it would put him back into slavery. Nothing more was said to him about voting at that point. Went on and voted and no one troubled him till he had got through voting; that when the party was threatening him, one with a stick, he said, "Don't crowd me, come out and form a ring and I will fight you, one by one."

Redirect:

That he knows of persons who were prevented from voting the Green ticket, James Pinckney, and others. James Pinckney had a Green ticket, which was taken from him by a man from this crowd, who gave him a Chamberlain ticket, and said that if he did not vote it they would "see him." That on the day of election he felt timid in that crowd; that never mind how brave a man was, he would feel timid in such a crowd as that.

his
HENRY + WILLIAMS.
mark.

Sworn to before me this 9th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Julius C. Small.

Also appeared JULIUS SMALL, who, being duly sworn, testified as follows:

(Objected to as before.)

That he was at Santee poll on the day of election, November 3, 1874. As he was going up to the poll in company with Ned Green, met a large crowd of men in the road in front of the poll. This crowd was armed, and tried to stop him as he was going to vote; went on and voted. Returning, met this same crowd, who had a great talking, and said, "Let's stop these Green men; they voted the Green ticket and got no business here. Let's tie them and whip them." The manner of this crowd was enraged and threatening. They seemed to be in a good deal of rage. Knows of no one who was prevented from voting the Green ticket on that day.

Cross-examination:

That himself and four others went up and voted without opposition. That two or three men walked into the road before the horse; made a motion to stop the horse, but did not stop him; was at the poll about one hour and a half; that this crowd made him feel pretty "timorous;" saw a parcel of the guns lying on a log alongside the road. The men

of this crowd appeared to be ticket-distributers. That he saw about eight or ten guns in this crowd.

JULIUS C. SMALL.

Sworn to before me this 9th day April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of James L. Magill.

Also appeared JAMES L. MAGILL, who, being duly sworn, testified as follows:

That at the last election was on Pee Dee, at home, till about 11 a. m.; was a candidate on the Green ticket for the State legislature. His name was on no other ticket. Saw both Chamberlain's tickets, and saw his name on neither of them. Knows of no one before the election who was threatened not to vote the Green ticket. He knew some who were told that if they voted the Green ticket they would be put back into slavery.

(Objection as too remote and irrelevant to the issue.)

Lives about two miles from Birdfield poll. Going there in the morning of election-day met several crowds of men who were not armed. There was no election held at Birdfield poll, because March Singleton, a manager, had failed to qualify. Heard before election that Singleton said he did not want to serve as a manager. About one-half of this crowd who were to vote at Birdfield voted at Georgetown; went from Birdfield to Keithfield, about six miles, then to Georgetown, about eight miles; went to Georgetown with this crowd. The other half did not vote, because the poll was not held at Birdfield. Some told him that the reason they did not go to Grier's poll to vote was that there was so much fuss made there that it would be dangerous to vote there; that these men around Grier's poll were Chamberlain men, and threatened the Green men. Deponent further says that he was a candidate, was well known in that section of country, and knew pretty well the political sentiments of the people living about there; knows Toney Hasell intimately. Toney promised him that he would vote the Green ticket, and would do all he could for it. This crowd that went to Birdfield poll to vote were pretty much all Green men. He thinks that it was pretty well that the election was not held at Birdfield, because he knew a ring-leader of a crowd in the neighborhood who had told him that they would come to the poll and take away the box, because it was in the hands of Mr. Pringle, a democrat, a Green man, who had no right to have charge of the voting-box; that this crowd considered all who voted, and all who were on the Green tickets, as democrats. He feels satisfied that these men would have done anything that they said they would do, and that they were, however, good friends of his; that he knows them well. He knows that if the poll had been held at Birdfield that about one-half of the voters on Pee Dee would have voted the Green ticket; knows about 150 Green men who did not vote at all, who were waiters, truck-minders, bird-minders, who could not leave their business to go to a distance to vote, and therefore did not vote. These were mostly Green men.

Cross-examination :

That about 25 of that half which was afraid to go to Grier's poll came down to Keithfield to go to Georgetown, but were too late. It was

easier to come to Georgetown on the steam-tug than to walk to Grier's poll. He supposes that men feel safer voting near at home than going to a distance to vote, thinking that there would be disturbances at the distant poll, where one is not well known, being afraid that there would be a fuss at that poll, (Grier's;) did not hear anything from Grier's poll on that day. That the threatenings about which he speaks were made by speakers at political meetings held prior to election-day. He heard these same threats afterwards. That the gist of the threats was that men would be put back into slavery if they voted the Green ticket.

That he was a candidate for nomination at the Chamberlain county convention, but was nominated at a subsequent Green convention. That he has been a candidate before county conventions three times, but only received one nomination. He thinks that the majority of the colored people on Pee Dee were for Chamberlain; never saw Mr. Lee on Pee Dee; does not know whether he was ever there or not. He thinks that it was generally known that Joseph H. Rainey was a candidate for Congress; never heard the question discussed as regards candidates for Congress.

JAMES MAGILL.

Sworn to before me this 9th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Rev. Ephraim Johnson.

Also appeared EPHRAIM JOHNSON, who, being duly sworn, testified as follows:

On November 3, 1874, the day of election, was one of the managers at Wee Haw poll; was there about 6 o'clock in the morning; met a crowd there, and crowds continued to come; more or less these crowds were armed with guns and clubs. Immediately at the polls there were armed men, about 5 or 6 feet of the box, and stood up there making threats during the time they were there, saying that they would pepper with shot any man who voted the Green ticket there.

When some boys came up to vote, he asked how old you are. Then these armed men asked him what business that was to him; that let them vote, no matter if they were only ten years old; that white boys in Georgetown voted, and why shouldn't they. But these boys did not vote. That at the box one man came up and got a Chamberlain ticket, and asked which box to put it in; was informed that all votes were to go in one box, and he voted. That there was one Green man standing up about the poll who did not come up to vote until two other Green men came up in a buggy; then he put in his ticket with these two men. He (deponent) then said to this armed crowd, "Now, why don't you pepper these men who have voted the Green ticket, as you threatened?" They said, "Why, they had to vote for Green, because they wait on Waldo, and if they don't vote for Green, Waldo will turn them off." One man came up to the box and said this was a Chamberlain box, and no Green man should put a vote in it. This man was unarmed, having nothing but a ticket in his hand. At first there was a great deal of noise around the poll, and the crowd made a great many threats. He felt more uneasy about Mr. Craft, a white manager, than about himself, for he (deponent) was a preacher, well known in that neighbor-

hood. Mr. Craft was very particular in administering the oath, and the crowd seemed to be opposed to such strictness. Therefore, the crowd seemed opposed to Mr. Craft, and so deponent was afraid of the consequences to Mr. Craft. Deponent thinks that the crowd was opposed to him, too, because he asked too closely concerning the ages of the voters.

The crowd with guns, making threats, went off about 12 m.; then one man fired a gun and went on. Heard no other gun fired during the day. Others, armed with guns, remained at the poll, and one Scipio Singleton had his gun loaded near up to the muzzle, but the gun was not fired off. That this armed crowd was so stationed that parties coming up to vote had to pass through them, which parties stopped and talked with them. The parties who voted the Green ticket also passed this crowd. He saw Robert Champion with this crowd who had guns. Did not feel alarmed during the day for his own safety; was ashamed at the conduct of his flock to whom he had preached on many occasions. This crowd threatened so much the Green men that Collins Small, a manager, was afraid to vote in their presence; but he did vote when not seen. Collins Small, late in the afternoon when this crowd had subsided, deponent said to him, "Now is your time; everything is quiet; you seem to be so much afraid of the people, they won't see or hurt you now. You must vote, or I will have to tell Mr. Middleton that you didn't vote." Collins was threatened with all the Green men not to vote the Green ticket, and therefore Collins was afraid to vote openly before this crowd. Deponent did not feel afraid, because he had told no one how he was going to vote; he voted the Chamberlain ticket. That it was some time after dark when the votes were finished being counted; that Scipio Singleton, armed, and others not armed, staid there, and that Scipio offered to accompany the managers to town; but, the escort was declined as they had no gun, and Scipio had one, and they did not know what would happen. It appeared that Scipio was friendly, because he, the deponent, had talked with him in a religious manner. Anyhow he did not feel like trusting Scipio as an escort. That after the election Robert Champion and Tim Giles came to him and apologized for being in the noisy crowd at the election, and attempted to deny having been there. Told them that he recognized them. Told Tim Giles that he was a singer in the church, and that he should not sing there any more on account of the manner he had treated his minister at the polls.

Cross-examination:

That there were threats enough at the poll to scare the low country people, but so far as he personally was concerned he considered it as "blowing," because they did not carry out what they intended.

EPHRAIM JOHNSON.

Sworn to before me this 9th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Rev. Paris Denison.

Also appeared PARIS DENISON, who, being duly sworn, testified as follows:

That he is a minister of the Gospel preaching on Santee. After election went to church where he was in the habit of preaching, and the

people refused to pay him his salary, and some of the men threatened to whip him, because he had voted the Green ticket. Was removed from this circuit, and changed into Williamsburgh, where all the doors were closed against him, because he had voted the Green ticket and was a democrat. On Pee Dee, at a church, was met at a door by twelve men armed with clubs, who would not open the door to him because he had voted the Green ticket. He knows two other local preachers who were interfered with in the preaching, because they had voted the Green ticket.

(The contestee objects to the whole deposition, because it treats of things which happened after the election, is extraneous, partly hearsay; that a portion of it relates to a county not named in contestant's complaint, and otherwise incompetent and irrelevant.)

Cross-examination :

That he did not hear any particular man threaten to strip and whip him.

PARIS DENNISON.

Sworn to before me this 9th day of April, A. D. 1875.

R. L. FRASER,
Notary Public.

Deposition of N. H. Guyton.

Also appeared N. H. GUYTON, who, being duly sworn, testified as follows:

That he was at Wee Haw poll on the day of election; that nothing remarkable happened; saw only one set of tickets on the table by the box, which were Chamberlain tickets; one man had Green tickets in his pocket, and gave some to him, deponent; a man standing by said, "No use to have Green tickets here, no one will vote them." This man was armed; took no notice of him; saw men armed with guns, one he knows, with musket and cartridge-box; staid at the poll a short while, then went home; heard, himself, no threats.

N. H. GUYTON.

Sworn to before me this 9th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Henry W. Clark.

Also appeared HENRY W. CLARK, who, being duly sworn, testified as follows:

That before the election on 3d November, 1874, during the convention held in October, the very day of the Chamberlain nominating convention, Charles Sperry said that he was going to get even with Joseph H. Rainey, as he had, as chairman of the convention, counted him, Sperry, out, and given the preference to Bruce H. Williams. Just before the election, Charles H. Sperry came to deponent's house and said that he was doing everything he could to defeat Joseph H. Rainey; told him the plan—that he was going to have tickets printed to defeat both Bruce H. Williams and Joseph H. Rainey; to do it he was going to

have Chas. H. Sperry substituted in the stead of Bruce H. Williams, and James H. Rainey in the place of Joseph H. Rainey, so as not to be detected; told him that he had had such tickets printed, and that he was sending the same out in the country for distribution. After the election Chas. H. Sperry told him, the deponent, that Joseph H. Rainey wanted him to go to Columbia and certify that the change of names on the tickets was a typographical error, *i. e.*, the name of James H. Rainey; said that he did not intend to do so; that James H. Rainey was his candidate, and he intended to defeat Joseph H. Rainey; said afterwards that he was in favor of Sam'l Lee for Congress, and by circulating these tickets, with James H. Rainey on them, he would take so many votes away from Joseph H. Rainey. Sperry told him that he knew James H. Rainey, and that he, the deponent, knows James H. Rainey himself.

Cross-examination :

That after the election Sperry showed him one of these same tickets, pointed out the name of James H. Rainey, and said, "It is not a mistake," and that was how he was going to get even with Joseph H. Rainey. When Sperry told him what was stated, he seemed to be very much enraged, and wanted revenge. Saw seven or eight of these tickets at Carver's Bay poll that were polled. Thinks that James H. Rainey was about twenty-three or twenty-five years of age; knew him about seven or eight years ago. That when the tickets were being counted, after the election, by the commissioner, Sperry said that he did not want his intentions publicly known, because Edward Rainey would then work against him, so that he could not defeat Bruce H. Williams; that Edward Rainey would not work with Mr. Wilson to defeat Bruce H. Williams.

HENRY W. CLARK.

Sworn to before me this 10th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Calvin Beekman, alias Pompey Singleton.

(Objected to by contestee as not contained in the notice.

Contestant states that this witness was summoned as Pompey Singleton and appeared, but gives his name as Calvin Beekman.)

Also appeared CALVIN BEEKMAN, who, being duly sworn, testified as follows :

That on the day of election, 3d November last, went to Grier's poll to vote; met a crowd of men armed with guns and muskets in front of the polls. Crowd stopped him, asked him how he was going to vote; said "I'm a Green man all over." The crowd said "No, you must not; if you do we will have you paddled; we are strong enough to do it." Tried to pass this crowd, but some of them stepped before him and would not let him pass. Then, fearing that some fuss would occur, he said "I suppose I will have to vote the Chamberlain ticket." Went on and did vote it. After voting passed the crowd and told them that he had voted the Chamberlain ticket, although very much against his will and intentions; that the ticket he voted was a large ticket, with a large eagle on it, which with the names were printed in blue.

Cross-examination :

That the majority of the people in his neighborhood were Chamberlain men. When Mr. Grier asked him how he was going to vote, said he had not made up his mind, but thought he would vote for Green. Then Mr. Grier said, "Go ahead ; vote as you please ; every man has that right." Mr. Grier was his employer ; lives within two miles of the poll. It was his desire to vote for Green. Had no ticket when he was met on the road ; this crowd gave him a ticket and asked him to vote it. That this ticket was a large ticket with a big eagle on it, printed in blue, and the crowd told him it was a Chamberlain ticket. Did not know who was candidate for Congress upon the ticket he voted ; could not read ; had to vote this ticket because he was afraid of a row with this crowd. This crowd had about eight or nine guns, as far as he could see. Staid there about one hour and a half, left as soon as the crowd let him go. This crowd persuaded him, teased him, and would not let him loose till he had voted the Chamberlain ticket ; this was about ten or fifteen yards from the poll ; nobody else troubled him. Never saw any confusion like this at any previous election. Had seen men before with guns who were going hunting, but made no confusion. The men immediately around him had no guns, although the main ones in the crowd were armed.

his
CALVIN + BEEKMAN.
mark.

J. JENKINS HUCKS.

Sworn to before me this 10th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Joseph Ford.

(Objected to by contestee as being a voluntary witness, no notice of the same having been served.)

Also appeared JOSEPH FORD, who, being duly sworn, testified as follows :

On the day of election, November 3, 1875, went to Grier's poll ; was asked by a crowd of men, who said, "Where are you going, Joe Ford ?" Made answer, was going to poll to vote the Green ticket. They said, "If you vote the Green ticket, we'll give you hell." After voting jumped on mule ; met this same crowd blocking up the road. Soon as got opposite this crowd, one of them, Bob Green, struck at him with a stick, and hit his mule on the head. The crowd had moved to allow him to pass. Then said, "What you hit my mule for ?" Was answered, "We will break your neck," because he voted the Green ticket. This was the reason, he believes, that the lick was made at him. It was generally known that he, deponent, was a Green man ; had shown it at the campaign meetings, before the election.

Cross-examination :

This crowd was about fifty yards from the poll. Was halloed by Sam Close from this crowd, and others whom he paid no attention to. Told them was going to the poll to vote. These men were sitting down and did not get up. Then voted for Green. Nobody immediately at the polls, save the managers and a few Chamberlain men and Green men issuing tickets. Nobody said anything to him outside of the aforementioned crowd. Some saw him vote, both Chamberlain and Green

men. Up to the polling-box all was quiet when he voted. Was in dread of these men, on account of the challenge put out by them and threats at previous campaign meetings. On returning home overtook a crowd of men, the same who had stopped him before, going on home.

Question. Were you not about to ride on their heels when the man from the crowd knocked the mare down?

Answer. No.

Question. How far was your mule's head from Bob Green when he struck him?

Answer. Within reach of a walking-stick. Bob Green told deponent he would break his neck, because he was a democrat; but did not say that that was the reason that he struck the mule. Nothing further occurred, and went on home. Saw Green men ridiculed and persuaded not to vote the Green ticket. All he knows about it.

his
JOSEPH + FORD.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me this 10th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Samuel Lee.

(The contestee objects to the evidence, first, on account of the interest on the part of deponent, as being contestant in this case; and, second, because it discloses only a political conversation between deponent and Chas. H. Sperry, before and after the election took place; and because it is otherwise incompetent in law.)

Also appeared SAMUEL LEE, who, being duly sworn, testified as follows:

That before the election met Chas. H. Sperry, in Marion, and he with W. H. Jones, senator, and Peter Woodbury. Then Sperry and these parties stated, in presence of William H. Hayne, that they would oppose Joseph H. Rainey for Congress, and would support him, the deponent, if he would run. That they were confident they would defeat Joseph H. Rainey in this county. They insisted that he, deponent, should consent to run. The last words Sperry said to him before the election was that he would do all he could to elect him. Did not see Sperry again till after the election. Then he said he had done all he could, although he was a Chamberlain man, against Joseph H. Rainey. Said that he had put deponent's name on some of the printed tickets, and that of James H. Rainey on others. That he put James H. Rainey's name on the tickets intentionally; that Joseph H. Rainey, E. C. Rainey, and others, had tried to get him to make an affidavit that James H. Rainey being on the ticket was a typographical error. Said he would not do it, but that he would have to be very careful, because they were watching his actions. Asked him where he could find James H. Rainey. Answered, "Somewhere on Waccamaw." Sperry said that the commissioners of election could not count the votes for James H. Rainey for Joseph H. Rainey, for it would not be lawful, as he had had them printed for James H. Rainey. On a subsequent occasion, Sperry spoke about the same thing in substance, in this county.

During the revision of election-returns by the State canvassers, met Sperry in Columbia, who said that Joseph H. Rainey had sent \$50 down to Georgetown to convey him and others up to Columbia, and wanted him to make affidavit concerning the typographical error; that he (Sperry) was there on Rainey's expense, but had his own interests to look after before the State canvassers, and that "Joe Rainey was as frightened as hell;" then asked him would he make an affidavit that he did put James H. Rainey on his ticket intentionally; said he would see him again; that he did not want to make any affidavits one way or the other, as he did not want to hurt his own interests; told him, "Well, if you make an affidavit that it was a typographical error, I have affidavits of citizens of Georgetown who heard you say that you put the name of James H. Rainey on your tickets intentionally, to show that you did do it intentionally, which I will use against you;" said, "I haven't made any affidavit."

SAMUEL LEE.

Sworn to before me this 10th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of S. S. Verner.

Also appeared S. S. VERNER, who, being duly sworn, testified as follows:

That on 3d November, 1874, was at Wee Haw poll to vote; got there about 11 a. m.; staid there about two hours; during that time saw about fifty men armed standing around; heard one man say, standing near the ballot-box, that he was the man who could shoot a hole through any God-d—d son of a bitch who voted the Green ticket; while he was at the polls heard guns fired off near the poll. The conduct of this armed crowd generally was very threatening. He knows of one man who said in his presence, before the election, frequently, that he was going to vote the Green ticket; saw the same man on the day of election, who endeavored to shun the poll and to go around when he recognized him, (the deponent.) A party went out to meet him, was unarmed, and tried to induce him to come in and vote. He then came in and voted the Chamberlain ticket, which was put in his hands by this same party. This man's name was Antony Hiddleston. This party apparently did not come from the armed crowd. He thinks that the conduct of this armed crowd—i. e., their evident intention—was such as to prevent the foolish ones from voting as they pleased. It was sufficient to prevent some from voting, but not to prevent him (deponent) from voting as he saw fit. He thought that Antony Hiddleston came there with the intention to vote the Chamberlain ticket, but after seeing him (the deponent) he seemed to shun the poll; seemed to be ashamed, as he had often told deponent that he was going to vote the Green ticket.

Cross-examination:

That the man who said he was the man to shoot, &c., staid at the poll about fifteen minutes and then went off towards Georgetown; that demonstrations were made by these armed men all the time that he (deponent) was at the poll; that they would go off into the woods to consult together and then come back; they seemed to be under the influence of liquor; that during the two hours he remained there he saw about fifty men, in different squads, come up to the polls and then go

away towards Georgetown. These men were voters. He saw no other man, save the one already alluded to, who was prevented from voting, because nearly all voted the Chamberlain ticket; that he saw the parties firing the guns, about fifty feet from the poll, in three and four and four and five volleys, into the air—fired by the Chamberlain men, and, he thinks, for effect. These men seemed to be exultant over their success; that the sentiment of the majority at this poll seemed to be for Chamberlain.

Redirect :

That this armed crowd consisted of colored persons. Saw no colored men vote for Green. Saw no white men at the poll with guns. Saw only four white men, including self, at the poll.

S. S. VERNER.

Sworn to before me this 12th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of George R. Congden.

Also appeared GEORGE R. CONGDEN, who, being duly sworn, testified as follows :

That since the election he has had conversations with Charles H. Sperry; on one occasion, during the interval between the day of election and the counting of votes by the commissioner of election, the conversation was in relation to the name of James H. Rainey being on the ticket in place of Joseph H. Rainey. Asked him if it was an accident, or did he do it intentionally. There was much talk about this thing at that time, and that was what brought about this conversation. Sperry replied that he did it intentionally; that James H. Rainey was his candidate, that he lived up Waccamaw. He also stated that he had the right to put anybody's name that he pleased on his ticket. Subsequently had a conversation with Sperry which Sperry sought himself. He then said that Ned Rainey and Gipson and those fellows had been after him to get an affidavit that he had put the name of James H. Rainey on the ticket unintentionally for Joseph H. Rainey, but that he would not give them the affidavit. He knows Ned Rainey, who is a brother of Joseph H. Rainey; also knows Gipson, and is satisfied that that they are both Chamberlain men. Has had other conversations with Sperry in relation to the election, similar to those above stated.

Question. Did you hold any public position in this community during the time you had these conversations with Sperry?—Answer. Yes, I was intendant of the town of Georgetown, during that time.

Cross-examination :

That during the first conversation with Sperry, Sperry said, "Joe Rainey has cheated me out of my nomination in the convention, and I am going to get even with him;" and that was his object in the change of names on his tickets. He seemed to be incensed at having been defeated at the nominating convention. Seemed to be incensed against Joseph H. Rainey.

GEORGE R. CONGDEN.

Sworn to before me this 12th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of R. I. Middleton.

Also appeared R. I. MIDDLETON, who, being duly sworn, testified as follows :

That on day of election was at Wee Haw poll. Saw about forty or fifty guns at different times about the poll. Heard a firing which made so much noise as to frighten a horse in a buggy. This firing was apparently made "feu de joie." Heard no threatening expressions, but the appearance was threatening decidedly. The general appearance of the crowd was very threatening, some of them having scowling faces. Knows a man named Sam White, who came back home after election with one shoe off. Asked him what was the matter. Replied that he had to leave the polls in a hurry, on account of being threatened, for fear of injury to himself on account of having voted the Green ticket.

Was about 15 or 20 yards from the polling-box. Did not vote at all. Intended to vote, but was so disgusted with the appearance of things at the poll that he did not return and vote. That before the election he had given Sam White a Green ticket.

Cross-examination :

Staid at the poll from about one or two hours. Heard a boy who was challenged by the manager as being of non-age; heard the crowd say, "No matter how young he is; he can vote if he is only one year old." Thinks this boy did vote. This was said by the crowd in a threatening manner. This was the only thing that looked like actual interference. Is not certain that the boy did vote.

R. I. MIDDLETON.

Sworn to before me this 12th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of Edward Lawrence.

Also appeared EDWARD LAWRENCE, who, being duly sworn, testified as follows :

That before the election, about a week prior, had a conversation with Charles H. Sperry, who said that he intended to have different tickets printed, and with the name of James H. Rainey on them for Congress, to defeat Joseph H. Rainey; said that that was a good man and a good name. Sperry said Joseph H. Rainey had defeated him at the convention, and he was going to get even with him. Knows James H. Rainey; knew him before the late war. Thinks, as well as he knows, that James H. Rainey is about twenty-six years of age; is a married man. That after election Sperry stated in the presence of self and others that he had used the name of James H. Rainey on his ticket intentionally, to defeat Joseph H. Rainey, as he, Joseph H. Rainey, had defeated him, Sperry, at the nominating convention.

Cross-examination :

That he had heard outside that James H. Rainey was running for Congress against Joseph H. Rainey. The Green men that knew about James H. Rainey was running was in favor of running that ticket; that three parties in Sperry's house knew that James H. Rainey was going to be run for Congress. These tickets and all others were gotten up

secretly. It was not generally known that James H. Rainey was running, for if it was known people would not have voted that ticket. Did not promise James H. Rainey to vote for him, but made up his mind to support him. Voted the Green ticket, and wrote on it the name of James H. Rainey in the place of one of the other names on the ticket. Voted for James H. Rainey to go to Congress. Was employed in the custom-house, but since has been discharged. Was discharged on 1st January, 1875, because he voted for Samuel Lee for Congress and not for Joseph H. Rainey. Has good authority for this belief. No reason was given him for his discharge by the collector.

Redirect:

In explanation, deponent says he voted for Samuel Lee for Congress on the regular Green ticket; that he scratched off Beamer's name and substituted the name of James H. Rainey. Beamer was running for school commissioner.

EDWARD ^{his} + LAWRENCE.
mark.

Attest: J. JENKINS HUCKS.

Sworn to before me 12th day of April, A. D. 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Deposition of P. Reynolds, with republican tickets Nos. 1 and 2.

Also appeared D. P. REYNOLDS, who, being duly sworn, testified as follows:

That his occupation is that of a compositor. On the day before the election Sperry came to him and got him to print some tickets for him, and under his directions he printed for him some tickets. That Sperry gave him as copies the tickets which are hereto attached, to be used to his own advantage. The penciled alterations on these tickets were made by Sperry, and are in his own handwriting. Sperry said that the reason he wanted the name of Samuel Lee substituted for James H. Rainey was because men who would vote for him (Sperry) might not want to vote for his candidate, James H. Rainey, and thereby he would lose so many votes. That he knew of friends who would vote for himself, (Sperry,) along with Samuel Lee for Congress, on the Chamberlain ticket. That on the day before the election, at the same time that Sperry ordered these tickets to be printed, Sperry said to him, deponent, that James H. Rainey was his candidate for Congress; that he, Sperry, was opposed to Joseph H. Rainey. That after the election, on several different occasions, Sperry stated to him, in the presence of others, that he had had the name of James H. Rainey printed on his tickets intentionally.

Cross-examination:

That he printed the Chamberlain ticket complete, with the following changes, viz: Samuel Lee, for Congress, instead of James H. Rainey; W. R. Beamer, school commissioner, instead of S. B. Gipson; and Saby McGuffy, in the place of J. H. Jones, for county commissioner. Printed about thirteen or fourteen hundred of these tickets.

D. P. REYNOLDS.

Sworn to before me this 12th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Republican ticket, No. 1.

UNION REPUBLICAN TICKET.

For governor.—D. H. Chamberlain, (scratched.) *Green.*
For lieutenant-governor.—R. H. Gleaves, (scratched.) *Delany.*
For Congress.—James H. Rainey, (scratched.) *Sam'l Lee.*
For representatives.—R. M. Herriott, (scratched.) *J. L.* ; C.
 H. Sperry; *C. H. Sperry*; C. S. Green;
 [Names in *italic* were written on the side.]

Republican ticket, No. 2.

UNION REPUBLICAN TICKET.

For governor.—D. H. Chamberlain.
For lieutenant-governor.—R. H. Gleaves.
For Congress.—Jas. H. Rainey, (scratched.) *Sam'l Lee.*
For representatives.—R. M. Herriott, C. H. Sperry, C. S. Green.
For school commissioner.—S. P. Gipson, (scratched.) *W. R. Beamer.*
For probate judge.—R. O. Bush.
For county commissioners.—J. H. Jones, (scratched.) *Saby McGuffy,*
 Joseph Bush, Cain Rutledge.
For sheriff.—J. M. Lesesne.
 [Names in *italic* were written on the side.]

Deposition of James A. Bowley.

(This testimony objected to as being hearsay.)

Also appeared JAMES A. BOWLEY, who, being duly sworn, testified as follows:

That, before the election, was a proprietor in the Planet Printing Company. That Sperry came to him and wanted some tickets printed. That he wanted the tickets printed with the name of Samuel Lee on them in the place of Joseph H. Rainey, for Congress. Referred him to his foreman, D. P. Reynolds, with instructions to print the tickets. Nothing else was said to him concerning the election at that time. That, after the election, had a conversation with Sperry. Heard him say, in the presence of others, that the name of James H. Rainey was put on the tickets intentionally, to defeat Joseph H. Rainey. From his long acquaintance with Sperry, knows that he, Sperry, was opposed to Joseph H. Rainey, particularly so after the Chamberlain nominating convention.

JAS. A. BOWLEY.

Sworn to before this 12th day of April, 1875.

[SEAL.]

R. L. FRASER,
Notary Public.

Certificate of notary public.

STATE OF SOUTH CAROLINA,
Georgetown County:

I, R. L. Fraser, a notary public in and for the State of South Carolina, duly commissioned and sworn under the laws of the said State, do hereby certify that the foregoing is a true and correct record of the testimony taken in the aforementioned case; and that all of the witnesses therein testifying were each and severally sworn upon the holy Evangelists of Almighty God, as is in such cases by law especially provided.

Given under my hand and seal this 17th day of April, in the year of our Lord eighteen hundred and seventy-five.

R. L. FRASER,
Notary Public.

INDEX

CONTESTANT'S PAPERS.

	Page.
Notice of contest	1
Answer.....	3
Certificate of secretary of state	5
Statement and return of votes for Georgetown County.....	6
Union republican ticket, No. 1.....	6
Union republican ticket, No. 2	6
Ticket for Georgetown County.....	7
Union republican ticket, No. 3	7
Union republican ticket, No. 4	7
Exhibit A.....	8
Election returns of first congressional district.....	10
Certificate of secretary of state.....	10
Notice to take testimony, February 12, 1875	10
Notice to take additional testimony.....	11
Subpoena.....	11
Certificate of notary	12
Deposition of Benjamin H. Wilson.....	12
J. Jenkins Hucks.....	13
A. P. Joudan.....	13
W. A. Johnson	14
George H. Pawley	15
W. S. Croft	15
J. C. Dawley.....	16
Charles Addison.....	17
James Ford.....	18
Cudjo Robinson.....	19
Toney Hazell.....	19
Edward Green.....	20
Robert Vareen.....	21
Moses Britton	21
J. Harleston Reed.....	22

CONTESTEE'S PAPERS.

Deposition of Collins Smalls.....	23
Cupid Nash.....	24
Edward Keith.....	25
Scipio Singleton.....	26
Tim Giles.....	26
Joseph Bush.....	27
Charles H. Sperry	28
W. F. Johnson	30
H. T. Bessellieu.....	31
Tony Hasel	31
George Windley	33
Albert Singleton.....	34
Robert Small.....	35
Certificate of notary	35
Notice to take depositions at Georgetown.....	35
Notice to take depositions at Bennettsville, Marlborough County.....	36
Deposition of Columbus Green	36
Joseph L. Brecken.....	37
James S. Legett.....	38
Alexander McLean.....	38
William Faison	38
Anderson Davis	38
Daniel C. Odon.....	39
Achilles H. Knight.....	39
J. el L. Easterling	39
Phin Lumpley	40
Certificate of probate judge.....	40

EVIDENCE IN REBUTTAL FOR CONTESTANT.

	Page-
Notice to take rebutting evidence.....	40
Notice to take additional evidence	41
Caption	41
Deposition of Rupell Green	41
H. W. Smith.....	42
Isaac Hume.....	44
Samuel Benjamin.....	45
James Grier.....	46
Hines Washington	47
Cudjo Robinson.....	48
Nathaniel Hughes.....	48
Henry Williams.....	48
Julius Small.....	49
James L. Magill.....	50
Ephraim Johnson	51
Paris Dennison.....	52
N. H. Guiton	53
Henry W. Clarke.....	53
Calvin Beck, <i>alias</i> Pompey Singleton.....	54
Joseph Ford.....	55
Samuel Lee.....	56
S. S. Verner.....	57
George R. Congdon	58
R. I. Middleton.....	59
Edward Lawrence.....	59
D. P. Reynolds, with republican tickets Nos. 1 and 2.....	60
James A. Balling.....	61
Certificate of notary public.....	62



LEE vs. RAINEY.

ADDITIONAL PAPERS

IN THE CASE OF

LEE, vs. RAINEY,

FIRST CONGRESSIONAL DISTRICT OF SOUTH CAROLINA.

CONTESTEE'S PAPERS.

Notice to take depositions at Bennettsville, Marlborough County.

SAMUEL LEE } Contested election, United States House Repre-
vs. } sentatives, from first congressional district,
JOSEPH H. RAINEY. } South Carolina.

SAMUEL LEE, Esq.:

SIR: Please to take notice that on the 6th day of March, 1876, at 10 o'clock a. m., at Bennettsville, in the county of Marlborough and State of South Carolina, before Hon. J. Wesley Smith, probate judge, I shall proceed to take the depositions of Columbus Green, Frank S. Hazle, Sandy McLean, William Faison, Thomas David, sr., Joel Covington, Anderson Davis, Daniel C. Odom, A. H. Knight, J. S. Leggett, D. P. McLaurin, J. L. Breeden, H. J. Maxwell, J. D. McArthur, John W. Thomas, J. L. Easterling, James Bowman, and Plim Lampley, all residents of said Marlborough County; the examination to be adjourned from day to day.

JOSEPH H. RAINEY,
By H. E. PAINE, *Attorney.*

Service of above accepted this 1st day of March, 1876.

SAMUEL LEE.

Subpæna.

UNITED STATES OF AMERICA,

State of South Carolina, Marlborough County:

To Columbus Green, Frank S. Hazle, Anderson Davis, Daniel C. Odom, A. H. Knight, James S. Leggett, D. P. McLaurin, and J. L. Breeden.

You are hereby summoned to appear at court-house, in the town of Bennettsville, in the State of South Carolina, on Monday, the 6th day

of March, A. D. 1876, to testify and make affidavit before me in a case of contested election for member of Congress from the first congressional district of South Carolina, in which Samuel Lee is the contestant against Joseph H. Rainey, contestee.

Witness my hand and seal this 2d March, 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate and Trial Justice.

Service accepted of this subpoena March 2, 1876.

COLUMBUS ^{his} + GREEN.
ANDERSON ^{mark.} DAVIS.

Witness:

D. D. McCOLL.

Deposition of Columbus Green.

SAMUEL LEE, contestant,	} Contested election, first congressional district, South Carolina.
vs. JOSEPH H. RAINEY, contestee.	

THE STATE OF SOUTH CAROLINA,
Marlborough County:

COLUMBUS GREEN, a witness of lawful age, produced by the contestee, and upon due notice to contestant, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee:

Question. Are you a citizen of this (Marlborough) county?—Answer. I am.

Q. At what poll were you on the 3d of November, the day of the last general election?—A. Red Bluff, in this county.

Q. Do you know Murdock Smith?—A. I am not personally acquainted with him; I saw him that day.

Q. You know him when you see him?—A. Yes, sir.

Q. Did he vote there that day; and, if so, in the morning or afternoon?—A. In the afternoon he voted.

Q. What ticket did he vote?—A. He voted the Green ticket.

Q. Whose name was on the Green ticket for Congress?—A. Mr. Lee's.

Q. With whom did Smith come to the polls?—A. With Alex. McColl.

Q. Did more than one man named Murdock Smith vote on that day at that poll?—A. I don't remember that any other did. I am sure he did not.

Q. Do you remember seeing two men who gave their names as Green and Dick vote at that poll on that day?—A. I do.

Q. Did they vote the Lee ticket or the Rainey ticket?—A. They voted the Lee ticket.

Q. Did they live in the county at that time, or before or since?—A. No, they did not.

Q. Did they not state to the managers of election that they were not residents of the county?

(Question objected to by contestant as hearsay.)

A. They did.

Q. In what capacity were you acting on that day?—A. As a manager of election.

Q. That being the case, why did you allow Green and Dick to vote?—A. I objected to their voting, but I was overruled by the rest of the managers.

Q. Did you see a man vote there whose name was Morrison?—A. Yes, sir.

Q. For whom did he vote?—A. He voted for Mr. Lee.

Q. Where did he say he was living at that time?

(Objected to as hearsay.)

A. In North Carolina.

Q. Did you object to his voting?—A. I did object, but it was stated that he only wanted to vote the State part of the ticket.

Q. Your objection was overruled?—A. I was overruled, but I never agreed that he should vote.

Q. What do you mean by voting the State ticket—do you mean the members of Congress?—A. I mean that he voted all but the county ticket.

Q. How far is the Red Bluff precinct from the North Carolina line?—A. Red Bluff poll is a mile and a half from the North Carolina line, to the best of my knowledge.

Q. Do you know John Lochlair?—A. Yes, sir.

Q. Did he vote on that day; and, if so, how did he vote?—A. He voted for Mr. Lee.

Q. Was his vote challenged; and, if so, why?—A. It was; on account of his age.

Q. Do you know if he was under age?—A. He told me after he had voted he was not twenty-one years of age. He said he was only nineteen, but they wanted him to vote.

(Contestant's counsel move that this answer be struck out as hearsay.)

Q. He said that publicly?—A. Yes; he said it in the presence of several.

Q. Did you see a man vote who lived a part of the year at Lauch. W. McLaurin's?—A. I did. The man had lived three months at McLaurin's—three months of that year.

Q. For whom did he vote?—A. For Lee.

Q. Where did Lauch. W. McLaurin live?—A. In North Carolina, about thirteen miles from Red Bluff poll.

Cross-examined by Knox Livingston, of the firm of Covington & Livingston, counsel for contestant:

Q. Did you see the names on every ticket that was voted that day?—A. I did not.

Q. Could you tell every man who voted for Mr. Lee or Mr. Rainey?—A. I knew very well when a voter voted the Lee ticket or the Rainey ticket.

Q. Could you tell in every instance whether Mr. Lee's or Mr. Rainey's names were on the ticket, or whether they were scratched?—A. I could tell.

Q. How could you tell?—A. By seeing what part was torn off and what part was voted.

Q. Did the voters vote folded tickets?—A. They did sometimes; I pushed the tickets in myself.

Q. Did you read all the tickets that were voted there that day?—A. I did not.

Q. Did you not make up your judgment on account of the outside

appearance of the tickets?—A. I did not. The tickets were on the table, and I could see them as they were taken off.

Q. Did you read Murdock Smith's ticket?—A. I did. He picked it up once and laid it down when they objected to his voting, and afterward he picked it up and put it in.

Q. Did you read Green's and Dick's tickets?—A. I did not read the part they put in.

Q. Did you read Morrison's ticket?—A. I did. He only voted the State part of the ticket. He tore off the county part and voted the balance.

Q. Now tell us who he voted for.—A. I am certain he voted for Lee, Green, and Delaney.

Q. How are you certain of it?—A. He tore off the balance of the ticket—the county part. I saw the county part when he laid it on the table.

Q. Did you read John Lochlair's ticket?—A. No; I didn't read his.

Q. What is the name of this man who lived at Lauch. W. McLaurin's?—A. His name was Lochlair, too.

Q. What is his given name?—A. I don't know. He ditches about.

Q. Whom did he go to the polls with?—A. I don't know. When I first saw him he was at the polls.

Q. What three months of the year was he at McLaurin's?—A. The first three months. He was living in this State at the time he voted. He commenced at McLaurin's under a contract for the year.

Q. How do you know that?—A. That's what he said.

Q. In whose presence did he say that?—A. I think F. S. Hazle, Sidney Hinds, John Malloy, Sampson Pipkin, and Killis Wright were present.

Q. With which party did these men vote at the last election?—A. With the Chamberlain-Rainey party.

Q. How do you know that this man (Lochlair No. 2) lived in North Carolina three months?—A. He said so.

(Counsel for the contestant moves that the whole of the testimony of this witness, based upon what the voters stated, be stricken out as hearsay.)

Q. Did you testify at a previous examination, held in this place, for Mr. Rainey?—A. I did.

Q. Did you, in that examination, mention anything about the Lochlairs?—A. I did.

Q. Did you state the same things about these Lochlairs you have to-day?—A. I think I did.

(Counsel for contestant offers the deposition of Columbus Green as it appears in the printed testimony of the case of Samuel Lee vs. Joseph H. Rainey, taken heretofore. Objected to by the contestee's counsel on the ground that there is no such testimony, the deposition referred to having been stricken from the record on motion of the contestant because it was illegal, and irregularly taken.)

In reply to the contestee's position the counsel for the contestant contends that the former deposition is admissible for the purpose of contradiction, and is offered only for that purpose. The deposition in question, as it appears from the printed testimony, is hereto attached, marked Exhibit A.)

Q. For whom did you vote on that day?—A. I voted for Mr. Rainey.

Q. Were Murdock, Smith, Green, Dick, Morrison, and the two Lochlairs white or colored men?—A. All white men but the Lochlairs. The latter were known as mulattoes.

Redirect :

Q. Mr. Green, you were a manager at that election and counted the votes?—A. Yes.

Q. Were there any scratched tickets for Congress?

(Objected to on the ground that the tickets were the highest evidence.)

A. There were none.

Q. [Two tickets produced.] Were these the kind of tickets used on the day of election?—A. They were.

(The tickets are marked "Exhibit B.")

Q. Did you see Green and Dick tear the tickets?—A. I did; and only the county portion was left.

Q. Do you know whether everything you said was taken down at the last examination?—A. I do not.

his .
COLUMBUS + GREEN.
mark.

Sworn to and subscribed before me this the 6th day of March, A. D. 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

Deposition of Dudley P. McLaurin.

DUDLEY P. McLAURIN, a witness of lawful age, produced by the contestee, and upon due notice, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee :

Question. Are you a citizen of Marlborough County?—Answer. Yes, sir.

Q. At what poll in this county were you on the 3d of November, the day of the last general election?—A. At Red Bluff.

Q. Did you hear the testimony of Columbus Green given here this morning?—A. I heard part of it.

Q. Do you know the Murdock Smith that he referred to?—A. I do.

Q. There is only one man of that name in that section of country?—A. I only know of one.

Q. Where did he live at that time?—A. In the upper edge of Marion County, near the Marlborough line.

Q. How far is his residence in Marion from the Red Bluff polling-place?—A. Can't say exactly where line is. I know that he lives in Marion.

Q. Do you remember seeing two men by the name of Green and Dick vote at that poll on that day?—A. Yes, sir.

Q. Do you know how they voted?—A. Yes; they voted the State part of what I call the bolters' ticket.

Q. Who was the nominee for Congress on that ticket?—A. Mr. Lee.

Q. Did Green and Dick vote for Lee?—A. They did.

Q. (Ticket with Green for governor and Samuel Lee for Congress shown witness.) Was this the ticket you referred to as the bolters' ticket?—A. Yes; they voted this ticket, tearing off the county part.

Q. Did they live in the county at that time or before or since?—A. No; they lived in Sumter County, so they said that day.

(Objected to as hearsay.)

Q. Did you hear them make any statement to the managers of election that day; and, if so, what?

(Objected to as hearsay.)

A. I did; they stated they were not residents of this county, but lived in Sumter County, and claimed the right to vote the State part of the ticket. Columbus Green objected, being one of the managers, but was overruled, and they were allowed to vote.

Q. Mr. McLaurin, do you know of your own knowledge that they did not live in the county at that time?—A. I do.

Q. Do you know John Lochlair?—A. I do.

Q. Did he vote at that poll on that day; and, if so, how?—A. He voted the ticket with Green for governor and Lee for Congress.

Q. Do you know whether John Lochlair was under age at that time or not?—A. I believe he is under age.

Q. What do you know about him that induces you to believe he is under age?—A. Immediately after the war his parents lived on my mother's place, and I am sure he was at that time not more than four or five years old.

Q. Do you know anything about a man by the name of Morrison voting that day?—A. I do not; I was not there when he voted.

Cross-examined by Mr. Livingston, counsel for contestant:

Q. How far were you from the polls?—A. Can't tell; sometimes I was near by and sometimes farther off.

Q. Did you see the contents of every ticket voted that day?—A. No, sir.

Q. Did you read Mr. Murdock Smith's ticket?—A. No, sir; I didn't.

Q. How do you know that Mr. Lee's name was on his ticket?—A. I didn't say it was; I didn't say anything about it.

Q. Do you know or not whether he did vote?—A. No, sir.

Q. Did you see the contents of Green and Dick's ticket—the part put in the box?—A. I did.

Q. Whose names were on it?—A. The names on the Green ticket—no scratching.

Q. Were the tickets folded or open?—A. They were open when torn off. They folded one part and put it in the box and threw the other on the ground.

Q. Did you read the part torn off after it was in their hands?—A. I did.

Q. Do you know every man living in this county?—A. I don't know every man—not every colored man; I think I know the face of every white man in the county when I see it.

Q. Did you read Mr. Lochlair's ticket?—A. I did not, but saw it was the Green ticket.

Q. State how you knew he voted for Mr. Lee.—A. By seeing the face of the ticket he voted.

Q. Did you see Mr. Lee's name on that particular ticket?—A. I did not. I saw the face of the ticket; saw no scratches on it, and presumed it was there.

Redirect:

Q. You were explaining to Mr. Livingston why you took special notice of Green and Dick's ticket, and where you were standing; state it fully.—A. I was standing to their backs, and could see by looking over their shoulders; and while they were tearing their tickets they were explaining why they were so anxious to vote the State ticket.

D. P. McLAURIN.

Sworn to and subscribed before me this the 6th day of March, A. D. 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

Deposition of Daniel C. Odom.

DANIEL C. ODOM, a witness of lawful age, produced by the contestee, and upon due notice to contestant, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee:

Question. You are a citizen of Marlborough County?—Answer. Yes, sir.

Q. Do you know Peter Rivers?—A. Yes, sir.

Q. How long have you known him, and how old was he at the time of the general election in November, 1874?—A. I have known him since 1859. He couldn't have been more than two years old at that time. We moved there (Chesterfield) in 1857, and Peter Rivers was born after that, and lived within a mile and a half of my father's. His father's name was Mark Rivers. I knew him in 1874. He was excused from road duty that year as not being eighteen years old.

Q. Do you know if he voted at the last general election, and where?—A. He voted at Red Hill, in Marlborough County, and voted the Green ticket. I was standing in the crowd when the ticket was given him and saw him put it in—the ticket with Green for governor and Lee for Congress. [Same kind of ticket shown witness, Green and Lee ticket, marked "Exhibit B."]

D. C. ODOM.

Sworn to before me March 6, 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

Deposition of Achilles H. Knight.

ACHILLES H. KNIGHT, a witness of lawful age, produced by the contestee, and upon due notice to contestant, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee:

Question. Where did you live in 1859?—Answer. I boarded at Samuel Odom's, in Chesterfield County.

Q. Did you know a family by the name of Rivers living near there?—A. I did; the family of Mark Rivers.

Q. How far did they live from Mr. Odom's?—A. About a mile or a mile and a quarter.

Q. Did you know Mark's son, Peter?—A. I did.

Q. State how old he was and when he was born.—A. When I first knew him in 1859 he was about a year and a half old.

Q. Do you know when he was born?—A. I do not.

Q. When did you leave Chesterfield County to go to North Carolina to school?—A. In March, 1857.

Q. Was Peter Rivers born then?—A. He was not.

Q. Do you know where Mark and Peter Rivers were living in 1874?—A. I do not of my own knowledge, but I know that they were living at Red Hill in this county in 1872—in fall—and I have seen Mark Rivers here frequently since.

Q. You don't know of his having changed his residence?—A. He has not from the county.

Q. Did you hear the testimony of Mr. D. C. Odom?—A. I heard part of it.

Q. The Peter Rivers he spoke of is the same you refer to?—A. He is.

Cross-examined by Mr. Livingston:

Q. How long have you known Mark Rivers and family?—A. Between thirty and forty years.

Q. Since you have known Mr. Rivers how many children has he had?—A. I can't tell. He had two, Mary Ann and William, when I left in 1857.

Q. How old is the oldest one now?—A. Not over thirty; between twenty-five and thirty.

Q. Do you know the ages of all the children born in that neighborhood?—A. I do not.

Q. When you left for school in North Carolina, where did you leave from?—A. Westfield Creek, in Chesterfield County, in the neighborhood of Mark Rivers.

Q. Are Mr. Rivers and his son Peter, white or colored men?—A. They are white men.

Q. With which party did you act in the last general election?—A. With the regular republican party; voted that ticket and for Rainey for Congress.

A. H. KNIGHT.

Sworn to and subscribed before me this the 6th day of March, A. D., 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

Deposition of Joseph L. Breeden.

JOSEPH L. BREEDEN, a witness of lawful age, produced by the contestee, and upon due notice to contestant, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee:

Question. Mr. Breeden, where were you on the day of the last general election?—Answer. At the Bennettsville poll in Marlborough County.

Q. Did you see William H. Parham vote on that day?—A. I did.

Q. What ticket did he vote?—A. He voted what is known as the Green ticket, tearing off the county part and voting the rest.

Q. By the Green ticket do you mean the ticket with Lee on it for Congress?—A. [The Green-Lee ticket, marked "Exhibit B," shown witness.] Yes; the ticket shown me is the one I mean.

Q. Had not Parham been the resident of another county for more than a year before the election?—A. He had.

Q. Were you present when a colored man by the name of Ab. Johnson wanted to vote at this poll on that day?—A. I was.

Q. Was he allowed to vote; and, if not, why not?—A. He was not, because it was said he had been living part of the time in Darlington County.

Q. Do you know what ticket he offered to vote?—A. Yes; the Chamberlain-Rainey ticket. (The Chamberlain-Rainey ticket, marked Exhibit B, shown witness.) One of that kind.

Q. Did you see a man by the name of Alford vote on that occasion?—A. I did; he voted the Green-Lee ticket. (Green-Lee ticket, marked Exhibit B, shown witness.) That is the kind.

Q. Did you hear him make a statement to the managers about his residence?

(Objected to as hearsay.)

A. I did; he stated that he had been in this State since about the last of September; that he came from North Carolina here.

Q. Do you know of any other votes illegally cast, or of any legal votes prevented from being cast, on that occasion?—A. I know of persons who offered to vote whose votes were rejected, but I can't give the names.

Q. Did those persons offer to swear that they were old enough to vote and did they offer evidence to that effect?—A. They offered to swear they were of age, and one offered to prove the fact by his father.

Q. Do you know what ticket they offered to vote?—A. The one who offered to prove his age by his father had the Chamberlain-Rainey ticket in his hand.

Cross-examined by Mr. Livingston :

Q. Where does William H. Parham live?—A. In Sumter County, if I am not mistaken.

Q. How do you know he does not live in Marlborough County?—A. I know he does not live in this county.

Q. Are you satisfied beyond a doubt that the ticket voted by Mr. Parham had Lee's name on it?—A. I think I am.

Q. Did you read that ticket after it was in Mr. Parham's hand?—A. I did not.

Q. Did not the Mr. Alford you speak of say to the managers that his residence was here, and that he had only been temporarily absent from the State; that he had never voted in North Carolina, and did not consider himself entitled to a vote there?—A. I can't say that he said that.

Q. What did he say regarding his being in North Carolina?—A. He said that he went to North Carolina about the first of the year. The supervisor asked him what he went for. He said he could get better wages there; they paid him better than they did here. He said he was not a married man.

Q. Did he not state that he had no intention of taking up his residence in North Carolina?—A. He said he expected to return.

Q. Are you satisfied that the ticket he voted had Mr. Lee's name on it?—A. I am; he took the ticket up from the table, and I was watching very closely, and if he had scratched the ticket I would have seen it.

Q. Did you read his ticket after it had reached his hands?—A. I did not.

Q. Do you know how every man voted that day at the Bennettsville poll?—A. I do not.

Q. The question was asked you, do you know of any other illegal votes, which you did not answer; do you know of any other illegal votes cast for either party?—A. I do not of my own knowledge.

Q. Were not those you speak of as offering to vote sworn, and was not rebutting testimony taken by the managers?—A. In one or two instances this was the case, perhaps more, and testimony was heard, and those testifying were not sworn but *stated* that the parties were entitled to vote.

Q. Were there not witnesses who testified as to the non-age or non-residence of these parties?—A. There were.

Q. What was the name of this particular one whose father offered to testify to his age?—A. His surname was Quirk, to the best of my recollection; I do not know his first name.

Q. Was not an objection made to Ab. Johnson's vote on the ground of non-age as well as of non-residence?—A. Such an objection was made but withdrawn.

Q. For whom did you vote for Congress at the last general election?—A. I voted the Chamberlain-Rainey ticket straight through.

Redirect:

Q. You say there were witnesses who testified as to the non-age or non-residence of the parties who were refused the right to vote; do you mean by "testified" that they were sworn, or, as in your other answer, *stated* what they had to say without being sworn?—A. I mean that they *stated* without being sworn.

Q. In reference to Alfred. You say that Alfred stated that he intended to return to this State; did he state within what time he intended to return?—A. He did not.

Q. Now, with regard to Ab. Johnson's age; you say that the point was made against his age and withdrawn; was it simply withdrawn or was it admitted that he was of age?—A. It was admitted that he was of age.

Q. Are you county treasurer of this county, Mr. Breeden, and how long have you been so?—A. I am, and have been ever since about 1868.

Q. Your position naturally compels you to know all the citizens of the county?—A. Yes; and I was sheriff of the county before and during the war besides, and think I know every citizen of the county—that is, I mean I think there are very few citizens of the county that I don't know.

J. L. BREEDEN.

Sworn to and subscribed before me this the 7th day of March, A. D. 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

Deposition of Anderson Davis.

ANDERSON DAVIS, a witness of lawful age, produced by the contestee, and upon due notice to contestant, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee:

Question. Were you one of the managers of election at this (the Bennettsville) poll on the 3d of November, the day of the last general election?—Answer. I was.

Q. Did you object to William H. Parham's vote being received?—A. I did, but was overruled.

Q. What was the objection to Parham's vote?—A. That he was not living in the county.

Q. Do you know how long he had been living out of the county and if he is living here now?—A. More than one year, and perhaps two; he is not living here now.

Q. Did he vote; and, if so, what ticket did he vote?—A. He voted the Green ticket with Lee's name on it for Congress. (Green-Lee ticket, marked Exhibit B, shown witness.) That is same. He tore off the county part and voted the rest. (The Chamberlain-Rainey ticket shown witness, marked Exhibit B.) These two were the tickets generally voted that day.

Q. As manager of election, you counted the ballots?—A. Yes.

Q. Were there any scratched congressional tickets?—A. I do not recollect.

Q. Do you recollect Ab. Johnson voting on that day?—A. He didn't vote. His vote was objected to because he wasn't of age; but his

age was proved, and that objection was withdrawn. Then it was objected that he was a non-resident, and his vote was refused on that account.

Q. Do you know what vote Ab. Johnson offered to put in?—A. Yes; the Chamberlain-Rainey ticket.

Q. Do you recollect any voters who offered to vote, and offered to prove their right to vote, that were refused?—A. I know that some persons offered to vote, and several wanted to prove their ages by their fathers, and their former owners out-talked them and they didn't vote.

Q. Was anybody sworn—the fathers or the former owners—in reference to these parties of whom you have spoken, who claimed the right to vote?—A. Nobody was sworn. The statements were made without their being sworn.

Q. Do you know for whom the parties to whom you refer wanted to vote?—A. They would have voted for Rainey.

Cross-examined by Mr. Livingston :

Q. Mr. Davis, were you not an active supporter of Mr. Rainey in the last general election?—A. I was not more for him than for any other man on the republican ticket.

Q. How did you know that W. H. Parham lived in Sumter at the time of the last general election?—A. I know where Sumter is; I have seen him there, and he stated to the managers of election that he lived in Sumter, and they told him he could vote the congressional part.

ANDERSON DAVIS.

Sworn to and subscribed before me this the 7th day of March, A. D. 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

Deposition of Frank S. Hazle.

FRANK S. HAZLE, a witness of lawful age produced by the contestee, and upon due notice to contestant, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee :

Question. Were you at any of the polls in this county on the 3d of November, the day of the last general election?—Answer. I was at Red Bluff.

Q. In what capacity were you there?—A. Being a candidate on the county ticket, I naturally felt an interest in the election, and went to that poll.

Q. Do you know Murdock Smith?—A. I am not personally acquainted with him; I know him when I see him, and saw him there that day.

Q. Did he vote that day, and do you know for whom he voted for Congress?—A. He did vote, and voted the ticket generally known as the Green-Lee ticket. (Green-Lee ticket, Exhibit "B," shown witness.) That is the ticket I mean.

Q. Did you notice if he tore that ticket?—A. He did not; he voted the whole of it.

Q. To your knowledge did any other Murdock Smith vote there that day?—A. Not to my knowledge.

Q. Do you remember seeing two men who gave their names as Green and Dick vote at that poll on that day?—A. I do.

Q. For whom did they vote for Congress?—A. They voted the con-

gressional part of the Green-Lee ticket. They stated at the time, upon being challenged, that they were not citizens of the county, but thought they had a right to vote the congressional part of the ticket, and were allowed so to do by the managers.

(This part of answer based upon the statements of the parties objected to as hearsay.)

Q. Did you see a man by the name of Morrison vote there that day?—

A. I do not recollect a vote cast by any man of that name, but I recollect that a man voted to whom Green, one of the managers, objected as a non-resident.

Q. Do you remember for whom he voted?—A. He voted the Green-Lee ticket.

Q. Was he a white man?—A. He was.

Q. Did you hear him make any statements to the managers?

(Objected to as hearsay.)

A. I did; he stated to the managers that his washing was done in this county; that he had lived in this State in the early part of the year, and then moved into North Carolina.

Q. He was not Murdock Smith, nor Dick, nor Green?—A. He was not.

Q. Did you hear Columbus Green's testimony in reference to the Lochlairs?—A. I did.

Q. This man was neither of the Lochlairs?—A. He was neither of them.

Q. Do you recollect the Lochlairs voting?—A. I recollect John Lochlair.

Q. For whom did he vote?—A. He voted the Green-Lee ticket.

Q. Did you hear him say anything about being under age?

(Objected to as hearsay.)

A. I did; he said he knew he was under age; that he was only nineteen.

Q. Do you recollect a man voting who was objected to as living at Lauch. W. McLaurin's, in North Carolina, in the early portion of the year?—A. I do, and that he was a Lochlair.

Q. Do you know how he voted?—A. I do; he voted the Green-Lee ticket.

Q. What did Lochlair say about his residence to the managers?

(Objected to as hearsay.)

A. He said he had lived in this State in the early part of the year, and had moved to North Carolina.

Cross-examined by Mr. Livingston :

Q. When did you come to this State?—A. In 1870.

Q. Where did you come from?—A. Cleveland, Ohio.

Q. You state that you were a candidate in 1874; on which ticket?—

A. On the regular republican ticket, known as the Chamberlain-Rainey ticket.

Q. Had you ever seen Murdock Smith before the day of election, and, if so, where?—A. I don't know that I had.

Q. Do you of your own knowledge know where he lived at the time of the election?—A. I do not.

Q. Had you before that day ever seen either one of the Lochlairs?—

A. I don't know that I had.

Q. Do you know of your own knowledge anything of the age or residence of either of them?—A. Nothing but what I heard them state themselves.

Q. How many Locklairs voted on that occasion at Red Bluff polling-place?—A. I can't say how many; I heard the names of several of them given to the managers. I remember these two particularly because they were objected to.

Q. Do you know the given names of these two? And if you do, state them.—A. I remember that one of them was named John. I don't remember the other.

J. B. HAZLE.

Sworn to and subscribed before me this seventh day of March, A. D. 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

Deposition of James S. Legett.

JAMES S. LEGETT, a witness of lawful age, produced by the contestee, and upon due notice to contestant, and being duly sworn, deposes as follows in answer to questions propounded by William Henry Trescot, counsel for contestee.

Question. You are a citizen and resident of Marlborough County?—Answer. I am.

Q. Where were you on the 3d of November, the day of the last general election?—A. At the Red Bluff polling-place, in this (Marlborough) county.

Q. Were you present when Murdock Smith voted?—A. No, sir.

Q. You know him, however?—A. I do.

Q. Where does he live?—A. In the upper portion of Marion County.

Q. He lived at the same place at that time?—A. He did.

Q. Was he living with his father?—A. He was.

Q. How far was it from their residence in Marion to the Red Bluff polling-place in this county?—A. Six miles, about.

Q. Did you see two men, who gave their names as Green and Dick, vote on that day?—A. I did.

Q. Do you know for whom they voted?—A. They voted the Green-Lee ticket.

Q. Do you know if they were residents of this county?—A. No, they were not, and never have been to my knowledge.

Q. Do you know of any other illegal votes received at that poll on that day?—A. There was a man, whose name I can't fix, who stated to the managers that he had been living in North Carolina the first part of the year, but had recently moved into this State. There was a good deal of cavil as to whether he should be allowed to vote, but he was finally allowed to vote, and voted the Green-Lee ticket.

(Objected to by contestant's counsel, who moves that the answer be struck out as hearsay.)

Q. You were not at the poll all day?—A. I was absent about two hours during the voting. I went home to dinner and met Murdock Smith and Alex. McColl, and saw Smith's name on the poll-book on my return.

Cross-examined by Mr. Livingston:

Q. You stated that Green and Dick voted the Green-Lee ticket. Do you mean the State portion?—A. I do.

Q. Where did the gentleman you spoke of as being an illegal voter say he went to North Carolina from?—A. He said he went from this State.

Q. Are you personally acquainted with him?—A. I knew the man when he voted, and think he had been a citizen about Clio, in this county.

Q. Did not he state that when he went to North Carolina he expected to return to this State?—A. He did not; he said he expected to remain there but did return.

Q. Do you know with whom he lived in North Carolina?—A. I do not.

Q. Can you state whether or not his name is Lochlair?—A. I cannot.

Q. Did any other man from North Carolina vote on that day?—A. I do not know.

Q. Columbus Green, in his testimony, spoke of a man by the name of Lochlair, who lived in North Carolina, at Lauch. W. McLaurin's, voting on that day. Can you state whether or not he is the man you refer to?—A. My own impression is that the man I refer to was not a Lochlair; he was a white man.

Q. Do you know that this is not the same man referred to by Green in his testimony?—A. If Green referred to a Lochlair, this is not the same man.

Q. Do you remember any other voter being challenged on account of living in North Carolina?—A. I do not.

Q. Did you see a man by the name of Morrison vote?—A. I do not recollect.

Q. Do you know whether or not a man by the name of Morrison voted on that occasion; and if so, was he a white man or a colored man?—A. I do not know.

Q. Did you see Peter Morrison vote on that occasion?—A. I have no recollection of seeing any of the Morrisons vote on that occasion.

Redirect:

Q. The person to whom you refer as living in North Carolina and voting was not named Morrison, and was a white man?—A. He was not named Morrison, and was a white man.

Q. You say that Green and Dick voted the State part of the Green-Lee ticket?—A. Yes; by that I mean all but the county part of the Green-Lee ticket.

JAS. S. LEGETT.

Sworn to and subscribed before me this the 8th day of March, A. D. 1876.

[SEAL.]

J. WESLEY SMITH,
Judge of Probate.

EXHIBIT A.

Deposition of Columbus Green.

COLUMBUS GREEN sworn:

Question. Are you a citizen of this Marlborough County?—Answer. I am.

Q. At what poll were you on the 3d of November, the day of the last general election?—A. At Red Bluff, in this county.

Q. Do you know Murdock Smith?—A. I do.

Q. Did he vote there that day; and, if so, in morning or afternoon?—A. He did, and in the afternoon.

Q. What ticket did he vote?—A. He voted the ticket with Lee's name on it for Congress.

Q. With whom did Smith come to the polls?—A. Alexander McColl.

Q. Did more than one man of the name of Murdock Smith vote on that day at that poll?—A. No; only one.

Q. Do you remember seeing two men who gave their names as Green and Dick vote at that poll, on that day?—A. I do.

Q. Did they vote the Lee ticket or the Rainey ticket?—A. They both voted the Lee ticket.

Q. Did they live in the county at that time, or before, or since?—A. No.

Q. Did they not state to the managers of election that they were not residents of the county?—A. They did, and voted for Lee.

Q. In what capacity were you acting on that day?—A. I was one of the managers of election.

Q. That being the case, why did you allow Green and Dick to vote?—A. I objected, but was overruled by the other managers.

Q. Did you see a man vote there whose name was Morrison?—A. I did, and he voted for Lee.

Q. Where did he say he was living at that time?—A. In North Carolina.

Q. Did you object to his voting?—A. I did, and was overruled.

Exhibit B.

MARLBOROUGH COUNTY.

For governor.—John T. Green.

For lieutenant-governor.—Martin R. Delaney.

For Congress, first district.—Sam'l Lee.

State board of equalization, first district.—Benjamin D. Townsend, of Darlington.

Amendments to the constitution.

1st. As to the boundary-line between Pickens and Oconee Counties—Yes.

2d. Constitutional amendment, Article XVII—Yes.

3d. Constitutional amendment as to the terms of office. Comptroller-general, secretary of state, treasurer, attorney-general, adjutant and inspector general, and superintendent of education—Yes.

Senator.—Joshua H. Hudson.

Representatives.—John R. Parker, Benjamin A. Rodgers.

Judge of probate.—John A. McRae.

School commissioner.—James F. Bolton.

County commissioners.—Stephen Quick, John M. Miller, William F. Kinney.

Exhibit B 2.

UNION REPUBLICAN TICKET.

(In union there is strength !)

For governor.—Daniel H. Chamberlain.*For lieutenant-governor.*—Richard H. Gleaves.*For Forty-fourth Congress, first district.*—Joseph H. Rainey.*For State board equalization, first district.*—B. D. Townsend.*For the State senate.*—Henry J. Maxwell.*For house of representatives.*—Thomas C. Weatherly, Jacob C. Allman.*For judge of probate.*—John W. Smith.*For school commissioner.*—Frank S. Hazle.*For county commissioners.*—Thomas G. Sweatt, Edward Ware, John G. Grant.

THE STATE OF SOUTH CAROLINA,

Marlborough County :

I, J. Wesley Smith, judge of probate in and for said county, in said State, do hereby certify that each of the above-named witnesses was duly sworn by and examined before me on the days above stated ; that the questions propounded to each of said witnesses and his answers thereto were written down in the presence of such witnesses and of counsel for contestant and contestee ; that after being so written down the deposition of each witness was read over to him and attested by his sign or mark in my presence ; and that the taking of said depositions was adjourned from day to day, as will be seen by reference to the dates of the different depositions.

Given under my hand and seal this the 8th day of March, A. D. 1876.

J. WESLEY SMITH,

[SEAL.]

Judge of Probate.

CONTESTANT'S PAPERS.

LEE }
 vs. }
 RAINEY. }

Resolution of Committee of Elections allowing additional testimony.

COMMITTEE OF ELECTIONS,

February 28, 1876.

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee vs. Rainey, from the first district of South Carolina :

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and that Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey ; and that Rainey then have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

Notice to take testimony at Clio, Marlborough County.

SAMUEL LEE vs. JOSEPH H. RAINEY.	}	Contested election, first congressional district South Carolina.
--	---	---

To Hon. JOSEPH H. RAINEY :

SIR: You will please take notice that under the order of the Committee of Elections, in the above case, on the 1st day of April, A. D. 1876. at Clio, in the county of Marlborough, and within the first congressional district of the State of South Carolina, before Hope H. Newton, esq., a notary public for said State, or, in case he cannot act, before Thomas E. Dudley, esq., notary public, I will take the depositions of Alexander McRae, jr., John Parish, John B. McLaurin, Col. Thomas N. Edens, Dr. Alfred W. Hamer, Mrs. Lucy Counor, Shem McLean, Robert Medlin, John Locklair, Mrs. Peggy Locklair, Milby Willis, John Locklair, sr., Andrew H. Adams, M. D. Morrison, Lauchlin McLaurin, Washington Locklair, Neil Smith, and Murdock Smith, the taking of such depositions to be continued from day to day until completed.

SAMUEL LEE,
Contestant.

COVINGTON & LIVINGSTON,
For Contestant.

Service accepted March 29, 1876.

J. H. RAINEY.

Caption to deposition.

UNITED STATES OF AMERICA,

State of South Carolina, County of Marlborough :

Testimony taken before H. H. Newton, a notary public in and for said State, at Clio, in the county of Marlborough, and within the first congressional district of the State of South Carolina, in the matter wherein Samuel Lee contests the seat of Joseph H. Rainey, returned member in the Forty-fourth Congress of the United States, from the first congressional district of South Carolina, in pursuance of notice personally served on the contestee on the 29th day of March, A. D. 1876, the said contestant appearing by his attorney Knox Livingston, esq., and the said contestee by D. D. McCall, esq., his attorney, who states that he appears for the purpose of objecting to the taking of any testimony on the present occasion on the following ground, to wit: That the said contestee has not had sufficient notice as regards the length of time given him to make any preparation, or be present in person at the present taking of testimony, this the 1st day of April, A. D. 1876.

Deposition of McD. Morrison.

MCD. MORRISON, of Marlborough County, being duly sworn, deposes and says:

Question. Are you a citizen of Marlborough County; and, if so, how long have you lived here?—Answer. I am, and have been living in the State over five years, and have lived in Marlborough County ever since I have been in the State.

Q. Did you vote at the last general election; and, if so, where?—A. I voted at Red Bluff.

Q. Did any other man by the name of Morrison vote at that poll on that day?—A. Not that I know of.

Q. When you voted did you state to the managers of election at Red Bluff poll that you lived in North Carolina, and did Columbus Green, one of the managers, object to your vote?—A. I did not so state to them. He did not object to my vote.

Cross-examination by contestee's counsel:

Q. What time did you get to the poll on that day, Mr. Morrison, and what time did you leave?—A. I went to the poll in the afternoon, and staid there about an hour or two.

Q. How many people by the name of Morrison voted there before you arrived? Do you know what did take place there before you arrived?—A. I do not know how many. I do not know.

Q. What has been your occupation for the last year, or two years?—A. Farming, entirely; in this county.

Q. Was there any objection to your voting on that occasion made by anybody?—A. There was none.

McD. MORRISON.

Sworn to and subscribed before me this the 1st day of April, A. D. 1876.

H. H. NEWTON,
Notary Public, Marlborough County, South Carolina.

Deposition of Alexander McRae, jr.

ALEXANDER MCKRAE, jr., of Marlborough County, being duly sworn, deposes and says:

Question. Are you a citizen of this county?—Answer. Yes.

Q. Where were you on the day of the last general election, and in what capacity were you acting?—A. I was at Red Bluff polling-place in Marlborough County, and was one of the managers of election.

Q. How many white men by the name of Morrison voted at that poll on that day?—A. Only one, that I know of.

Q. Was there any objection made to his voting, or to any other man by the name of Morrison on that day?—A. None that I know of. I know there was none.

Q. What was the name of the Morrison that voted; where does he live; and how long has he lived there?—A. McD. Morrison is his name; in Marlborough County; has lived there about five years.

Q. Did any white man by the name of Morrison vote at Red Bluff on that occasion, who stated that he lived in North Carolina, and whose vote was objected to by Columbus Green, one of the managers?—A. Did not.

Q. Did any man by the name of Morrison on that occasion tear off the county part of the ticket and vote the State part?—A. Not that I know of.

Q. Did a man by the name of Lochlair vote on that day, who stated that he lived in North Carolina; and did C. Green, one of the managers, object to his vote?

(Objected to by contestee's counsel on the ground that it is a leading question.)

A. Did not.

Q. Did C. Green on that occasion object to a John Lochlair voting on the ground that he was under age, i. e., before he voted?—A. I think not.

(All the foregoing questions objected to as leading by contestee's counsel; objections made at time they were each asked.)

Cross-examined by contestee's counsel:

Q. Were you at the poll continuously all the time from the opening until the closing of the same?—A. I was, with the exception of a very few minutes.

Q. At what time, and how long?—A. About 1 o'clock p. m., and about ten minutes.

Q. While you were at the polls, did you see every man that voted and know his name?—A. I believe I swore every man that came up to vote. I saw them, or I could not have sworn them.

Q. You were asked the name of Morrison that voted. What Morrison are you referring to?—A. McD. Morrison.

Q. You said that only one white man by the name of Morrison voted that you knew of. Are you giving it as a matter of opinion, or do you know it as a matter of fact?—A. I know it as a matter of fact.

Q. About how many persons voted while you were absent from the polls?—A. I don't know whether any did.

Q. Do you know that none voted?—A. I can't say that they did.

Q. How can you say as a matter of fact that only one white man by the name of Morrison voted that day, when you can't say how many voted while you were away from the polls?—A. Because I knew but one white man by the name of Morrison in the township that was entitled to vote.

Q. You have been examined in chief for the purpose of contradicting Columbus Green, who speaks of a man by the name of Morrison voting improperly. Your reference to Morrison is the Morrison you speak of in this county, is it not?—A. He is the man.

Q. Do you mean to say that, because you knew of but one white man by the name of Morrison living in this township, that, for that reason, you can say, as a matter of fact, that only one voted at that precinct?—A. I believe there was only one.

Q. How can you say that no man by the name of Lochlair, from North Carolina, voted on that occasion, and was objected to by Green, when you were not at the polls all the time, and can't say whether persons voted or not during your absence?—A. Did not, unless he did during those ten minutes.

Q. You stated that C. Green did not object to John Lochlair's vote before he voted. Did he object afterward?—A. Not that I recollect of.

Redirect examination by contestant's counsel:

Q. Where were the polls held on that day—in the open air or in a house?—A. In the open air.

Q. When you were absent from the polls, could you see everything that was going on?—A. I could see the place where the polls were held.

Q. Did Morrison, of whom you speak, vote while you were absent?—A. He did not. He voted while I was present.

Q. Is he the same party who testified here this morning?—A. Yes.

Q. Is he the only white man by the name of Morrison who voted there that day?—A. I believe he is.

Q. Who was present at the polls the ten minutes you were absent?—

A. Mr. John Parish was one that was present. Also John B. McLaurin was there with the exception of about one minute.

Q. In what capacity was John Parish acting, and in what capacity was John B. McLaurin acting?—A. Mr. Parish was one of the managers of elections. I believe Mr. J. B. McLaurin was supervisor of election.

ALEX. McRAE, JR.

Sworn and subscribed before me April 1, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

Deposition of John Parish.

JOHN PARISH, of Marlborough County, being duly sworn, deposes and says :

Question. Are you a citizen of Marlborough County?—Answer. Yes.

Q. Where were you on the day of the last general election, and in what capacity were you acting?—A. I was at Red Bluff, a manager of the election.

Q. How many white men by the name of Morrison voted at that poll on that day?—A. Only one that I know of.

Q. Were you at the poll all day?—A. Yes.

Q. Were you there during the absence of Alex. McRae, jr.?—A. I was.

Q. Did any parties vote while he was absent?—A. None.

Q. What was the name of the Morrison that voted; where does he live, and how long has he lived there?—A. His name, McD. Morrison; lives in Marlborough County; has lived there some four or five years.

Q. Did any white man by the name of Morrison vote at Red Bluff on that occasion who stated that he lived in North Carolina, and whose vote was objected to by Columbus Green, one of the managers?—A. None.

Q. Did a man by the name of Lochlair vote on that day, who stated that he lived in North Carolina, and did Columbus Green, one of the managers, object to his vote?—A. None.

Q. Did Columbus Green on that occasion object to a John Lochlair voting on the ground that he was under age?—A. He did; but not until after he had voted.

Q. Is he the same John Lochlair who now lives with Col. T. N. Edens, and the son of Peggy Lochlair?—A. He is.

Q. Did Murdock Smith on that occasion, and is he the son of Cornelius D. Smith?—A. A man by that name voted there.

Cross-examination by contestee's counsel :

Question. How many persons on that occasion voted at Red Bluff?—Answer. Cannot say—270 or 280, I think.

Q. Were they all sworn?—A. All were sworn.

Q. Were they all sworn by the same form of oath?—A. Yes.

Q. Were you present at the polls, looking on, when every party voting voted on that day?—A. Yes.

Q. Did you during the twelve hours the polls were open, remain there all the time, without stepping aside any distance from the polls?—A. I did not leave exceeding ten steps, and only on one occasion, when my

hands were cold. I was clerk of the managers; during that few minutes Milton Stockhouse acted in my place.

Q. How many persons of any other names than Morrison voted there on that occasion?—A. I cannot say. There was but one white man by the name of Morrison that I know of.

Q. Could not other white persons by the name of Morrison have voted while Stockhouse was acting as clerk?—A. Yes.

Q. Did you see a life-insurance agent by the name of Dick, and a doctor with him by the name of Green, vote on that occasion?—A. They voted for governor and lieutenant-governor only.

Q. Don't you know the fact that they tore off only the county part and voted the balance of the ticket?—A. They voted for governor and lieutenant-governor only. I saw their ticket.

Q. Were they sworn?—A. Yes.

Q. Did you not know at the time they voted that they were not residents of this county?—A. Yes.

Q. You mention the fact that the same oath was administered to all the voters; how can you say that such is the case when these parties did not live in this county?—A. They did not live in the county, but they were sworn that they had voted nowhere else, and that they were citizens of the State.

Q. How long have you known John Lochlair?—A. Ever since the close of the war.

Q. You said that C. Green made some objection to John Lochlair after he had voted; did not Green on that occasion tell you that John Lochlair had said he was under age, and wanted to get his vote out of the box?

(Objected to by contestant's counsel on the ground that it is hearsay testimony and that the witness has no right to testify to the declarations of C. Green.)

A. He just said to me this—that John Lochlair was scared and wanted to get his vote out of the box.

Q. Do you know how many white men by the name of Morrison voted, saying they were from North Carolina, while Stockhouse was acting as clerk?—A. I do not.

Q. Do you know whether a man by the name of Lochlair voted, saying he was from North Carolina, while Stockhouse was acting as clerk?—A. I do not know.

Q. During the day were not the polls crowded considerably at times?—A. We had plank tacked up around the polls, and admitted and swore but one at a time.

Q. Do you know that the John Lochlair referred to by C. Green is the same one you are speaking of, and, if so, how do you know it?—A. Yes, I am acquainted with him, and Green pointed him out to me; he also asked me if that was his name, and where he lived.

Q. C. Green has given his testimony in this case and has spoken therein of a John Lochlair; how do you know that this is the same John Lochlair he mentions in his testimony?—A. This is the same John he objected to that day after he voted.

Redirect examination by contestant's counsel:

Q. Why did you permit Green and Dick to vote for State officers?—A. Because they were residents of this State and I thought them entitled to vote for those officers.

Q. O. Green, in his testimony heretofore taken in this case, stated that a man by the name of Marion voted at Red Bluff on that day, who

told the managers that he was from North Carolina; that he (Green) objected to his vote, but was overruled by the other managers. Is that true?

(Objected to by contestee's counsel on the ground that it is not in reply, and he is not allowed to cross-examine the witness in reply.

Contestee's counsel holds it is in reply, and consents for contestee's counsel to cross-examine him. Objection withdrawn.)

A. I heard no such words; if it occurred at all, it was while Stackhouse was acting as clerk in my place.

Q. Was Mr. Alex. McRae, jr., a manager at the polls while Stockhouse was acting in your place as clerk?—A. He was.

Q. How far and how long were you off from the polls at any one time?—A. Not exceeding ten steps and not longer than five minutes.

Q. Could you see and hear all that was going on?—A. Yes.

Q. In counting the votes did you find two tickets similar to the ones voted by Green and Dick?—A. Yes; and mentioned it at the time.

Q. Do you not know that there was but one white man by the name of Morrison who voted on that occasion?—A. But one voted while I was present, that I recollect of.

Recross-examination by contestee's counsel:

Q. You state that you *could* see all that took place while you were about. *Did* you see all that took place?—A. I can't say that I did.

JOHN PARISH.

Sworn to and subscribed before me this 1st day of April, A. D. 1876.

H. H. NEWTON,

Notary Public in and for the State of South Carolina.

Deposition of Mrs. Peggy Lochlair.

Mrs. PEGGY LOCHLAIR, being duly sworn, deposes and says:

Question. Are you the mother of John Lochlair?—Answer. I am.

Q. Is the same one who lived with you at Mr. D. P. McLaurin's mother's.—A. He is.

Q. How large was he then?—A. He was a good big stout plow-boy.

Q. Do you know his age?—A. He is about twenty-five years old, as near as I can come at it.

Q. What circumstances do you judge his age from?—A. From Mrs. Nancy Willis's death and my daughter's age.

Q. How old is your daughter?—A. About seventeen.

Q. How much older is this boy than she is?—A. Five years.

Q. Do you know how long ago it was that Mrs. Willis died?—A. I do not.

Q. How large was he when she died?—A. Don't think he was quite three years old.

Cross-examined:

Q. I understand you to say you can't swear whether your son is of age or not?—A. Not.

Q. When was it you lived at D. P. McLaurin's mother's?—A. About two months after the Army came through; about this time I left there.

Q. How long did you live there?—A. Not quite a year.

Q. Where did you live before you went there?—A. At Anderson Quick's; I lived at the latter place three years.

Q. Where were you living when John was born?—A. At Milby Willis's.

Q. How long did you live at Milby Willis's?—A. I lived there twelve years, at one time.

• Q. How many years did you stay there after John was born; was John nursing at the time you moved from there?—A. He was; of course he was.

Q. Was John weaned about the time he was a year old?—A. He was about one and a half years old before he was weaned.

Q. When you moved off from Willis's, when John was nursing, how long did you remain off?—A. I moved back the same year and staid there two years, *i. e.*, that year and another one. I then moved to Anderson Quick's, and staid there two years; from there to Godfrey Stanton's, and staid one year; from there to Mr. McPherson's, and staid there two years; from there to Anderson Quick's, and remained there a year; from there down on "Catfish," staid there a year; I then moved up here to Squire John McColl's place, and staid there a year; from there can't say where.

Q. How long had Mrs. Willis been dead when you left Willis's and went to Anderson Quick's?—A. Can't say.

Q. Was she dead at that time?—A. Yes.

Q. You say John was nursing when you left there?—A. Yes.

Q. What year was your daughter born?—A. Can't tell; I know she is seventeen; going on seventeen anyhow.

Q. Have you any child between her and John?—A. I have not; John is next older than she.

Q. Have you any younger than your daughter?—A. Yes; one, twelve years old; my youngest one.

Q. How much older is John than your daughter?—A. He is five years, just five years.

Q. Don't you know John is not twenty-one yet?—A. I know he is and over twenty-one.

Q. Were you living at Mr. Willis's when his mother, Mrs. N. Willis, died?—A. Yes.

Q. About how long after did you stay there?—A. We staid there longer than one year; a good sight of it.

Q. How long after Mrs. Willis died before John was born?—A. He was born before she died.

Q. How long before Mrs. Willis died was he born?—A. I can't tell.

Q. How long did you stay at Milby Willis's without moving, the first time?—A. Twelve years.

Q. Where were you living when your daughter was born?—A. At Anderson Quick's.

her
PEGGY + LOCHLAIR.
mark.

Sworn to and subscribed before me this April 1, 1876.

H. H. NEWTON,
Notary Public, South Carolina.

Deposition of Thomas N. Edens.

Col. THOS. N. EDENS, being sworn, deposes and says:

Question. Are you a citizen of this county?—Answer. Yes.

Q. Do you know John Lochlair?—A. Yes.

Q. Can you state how old he is and how you know?—A. He was born some time before the death of my father, Allen Edens, who died September, 1855.

Q. Did your father die before or after Mrs. Nancy Willis?—A. My recollection is that she died first.

Q. Where were you on the day of the last general election?—A. At Red Bluff precinct, in Marlborough County.

Q. Did you see the Lochlairs vote on that occasion?—A. I did.

Q. Did you know where each and every one of them lived?—A. I did, all except Randall Lochlair, who said he lived at Donohoe.

(Objected to as hearsay.)

Q. Do you know they were citizens of Marlborough County?—A. I do, all except Randall Lochlair, and I only know from what he said.

Q. What ticket did Randall Lochlair vote?—A. He voted for Rainey. I know the fact, for I tried to get him to vote for our ticket.

Q. Did you see on that occasion a man named Morrison vote, who stated that he lived in North Carolina?—A. No.

Q. Did you see more than one white man by the name of Morrison vote?—A. No.

Q. Did you assist the managers in counting the votes?—A. I did.

Q. Did you see two tickets with the names only for the governor and lieutenant-governor on them?—A. I did.

Cross-examined :

Q. Do you know of your own knowledge that John Lochlair was born before your father's death?—A. I do not, except from circumstances.

Q. What are those circumstances that you can mention as knowledge of his birth?—A. My father owned a negro man named "Chris," a blacksmith. Some years previous to his (father's) death, which occurred in September, 1855, there was considerable disturbance in the community about "Chris" cohabiting with Peggy Lochlair, mother of John. John was born about that time and is the reputed child of such illicit intercourse.

Q. Did not that illicit intercourse continue after your father's death?—A. It did.

Q. Is there anything except that illicit intercourse and the talk about it that enables you to locate John's birth?—A. Nothing.

Q. Can you state positively, of your own knowledge, whether John was born before your father's death or afterward, when you say your knowledge is from the illicit intercourse and the disturbance about it?—A. I think he was born before—I might possibly be mistaken.

Q. Was Randall Lochlair a legal voter?—A. I know no reason why he was not.

Q. Did you see everybody vote?—A. I did not.

Q. May not some man have voted under the name of Lochlair whom you did not see?—A. I don't think it likely.

Q. You speak of seeing two tickets come out of box. What names were on those tickets?—A. Green, for governor, and Delaney for lieutenant-governor only.

Q. Do you know who put those tickets in the box?—A. I do not.

Q. Did you remain immediately at the polls all the time?—A. I did not. I was working in the crowd getting votes.

Redirect :

Q. Did you see the poll-lists of Red Bluff poll?—A. I did.

Q. Did you see upon it the name of any Lochlair not a resident of Marlborough County?

(Objected to on the ground that the lists are the highest evidence.)

A. I did not.

Q. Are you personally acquainted with all the Lochlairs whose names appear on the poll-lists, and were they legal voters?—A. I am. They were all legal voters, unless John Lochlair was not.

Recross-examination :

Q. Do you know that the poll-lists you speak of were correctly kept? —A. I know it only from the fact that it was kept by respectable gentlemen of our township. I saw them that day (day of election) and since.

Q. Do you know of your own knowledge that the lists you have seen since are the same you saw that day?—A. Only from circumstances, they being in the hands of respectable gentlemen of our township.

Q. Don't you know, colonel, that that list is not the list kept on that day by the managers?—A. I do not know that it is not.

Q. Do you know of your own knowledge whether any of the Locklairs (Locklayers) who voted that day had not lived out of the State and county for the year previous?—A. They had not.

T. N. EDENS.

Sworn to and subscribed before me April 1, 1876.

H. H. NEWTON,
Notary Public, South Carolina.

Deposition of Alexander McRae.

ALEXANDER MCRAE, Jr., being recalled by contestant's counsel and resworn :

ALEXANDER MCRAE, Jr., being duly sworn, deposes and says :

Question. While Mr. Stackhouse was acting as clerk of the managers in the place of John Parish, were you present all the time?—Answer. I was.

Q. Why did the managers allow Green and Dick to vote?—A. Being residents of the State, we thought they were entitled to vote for State officers.

Q. Whom did they vote for?—A. For Green for governor and Delaney for lieutenant-governor only.

Q. Did you see their tickets before they voted, and did you find them in the box afterward when they went to count the votes?—A. I did.

Q. Did they vote for Congressman?—A. They did not.

Cross-examined :

Q. Did you see the tickets after they tore them and before they voted them?—A. I did; they told me they intended to vote only for governor and lieutenant-governor. (Latter part of answer came out under objection of examining counsel as being hearsay and not in response to his question.)

Q. How near were you to Dick and Green after they tore their tickets?—A. Three or four feet.

Q. Do you say that after they tore their tickets and before they put them in the box you saw them?—A. They came up to the table and took up the tickets and tore them there. I saw the whole thing. There can be no doubt about it.

Q. Who is this man that Green refers to through mistake?—A. Don't know.

Q. Do you know anything about a man by the name of Wallace who

voted on that occasion ?—A. I do ; his statement to us at the election was that he moved part of his things over to North Carolina, and before he finished moving he came back ; said he moved somewhere about Lauchlin W. McLaurin's, living near Laurinburgh, N. C.

Q. Did not Wallace named vote for Lee ?—A. I think so.

Redirect examination :

Q. Did not he state that he had not settled in North Carolina ?—A. He said he had not settled permanently in North Carolina ; he remained there about two weeks and came back.

Q. Was he not living here at the time of the election, and does he not live here now ?—A. He was at time of election.

Q. Had not he lived here previous to that time ?—A. Yes.

Q. Was he white or colored ?—A. Passes for white.

Q. Was he the only man who made any statement regarding his residence in North Carolina ?

(Objected to because not in reply.)

A. Yes.

ALEX. McRAE, JR.

Sworn to and subscribed before me this April 1, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

Deposition of W. A. Hinshaw.

(The counsel for contestee objects to this witness being sworn and examined, on the ground that his name does not appear in the notice served on the contestee on the 29th day of March, 1876, as a witness to be examined on this occasion.)

Question. Are you a citizen of Marlborough County ?—Answer. I am.

Q. Where were you on the day of the last general election ?—A. I was at Red Bluff precinct, in said county.

Q. Did you see two men named Green and Dick vote ?—A. I saw Dick vote, and a stranger with him I did not know.

Q. Did you see Dick's vote; and, if so, what names were upon it ?—A. Green and Delaney for governor and lieutenant-governor, only.

Q. Did either of them call your attention specially to his ticket ?—A. Dick did. He said he could vote for governor and lieutenant-governor only. I was acquainted with him.

(His declarations objected to.)

Q. Are you positive that he voted for no other officer than governor and lieutenant-governor ?—A. I am.

Cross-examined :

Q. Did you see him have his ticket torn in his hand before he went in to the polls to vote ?—A. Yes.

Q. How far from the polls did he show you the ticket ?—A. It was very close, but outside of the line drawn.

Q. Was the congressional part of the ticket included or torn off, if you can say of your own knowledge positively ?—A. I think it was only for governor and lieutenant-governor.

W. A. HINSHAW.

Sworn to and subscribed before me April 1, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Marlborough County:

I, H. H. Newton, a notary public in and for said State, do hereby certify that, in accordance with notice duly given and served on the contestee personally on the 29th day of March, A. D. 1876, under the order of the Committee of Elections, made on the 28th day of February, A. D. 1876, in the case of Samuel Lee, contesting the seat of Joseph H. Rainey, returned member to the Forty-fourth Congress of the United States of America from the first congressional district of the State of South Carolina, the foregoing testimony, consisting of thirty pages, was duly taken in behalf of said contestant, the said contestant appearing by his counsel, Knox Livingston, esq., and the said contestee by D. D. McCall, esq., his attorney; that all of the within-named witnesses were duly sworn by me and testified as above written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them and each of them respectively, as appears by their and each of their signatures at the end of their and each of their depositions respectively. I further certify that I have attached hereto a copy of the notice of contest, answer of contestee, order of the Committee of Elections, and the notice to take testimony at this place.

In witness whereof I have hereunto set my hand and official seal at Clio, in the county of Marlborough, and State of South Carolina, this the 4th day of April, A. D. 1876.

[SEAL.]

H. H. NEWTON,
Notary Public South Carolina.

Resolution of Committee of Elections allowing additional testimony.

LEE }
vs. }
 RAINEY. }

COMMITTEE OF ELECTIONS,
February 28, 1876.

The committee, after argument and consultation, agreed to the following resolution, as a substitute for the order passed February 21, 1876, in the case of Lee *vs.* Rainey, from the first district of South Carolina:

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and that Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey; and that said Rainey then have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

Notice to take testimony.

SAMUEL LEE }
vs. } Contested election, first congressional district of
 JOSEPH H. RAINEY. } South Carolina.

To Hon. JOSEPH H. RAINEY:

SIR: You will please take notice that, under the order of the Committee of Elections in the above case, on the 3d day of April, A. D.

1876, at Bennettsville, in the county of Marlborough, and within the first congressional district of the State of South Carolina, before Hope H. Newton, esq., a notary public for said State, or, in case he cannot act, before Thomas E. Dudley, esq., a notary public, I will take the depositions of Maj. Wm. P. Emanuel, Jesse D. Bethea, Evander Plummer, John S. Fletcher, James McAllman, Mrs. D. S. Stubbs, James A. Peterkin, Lucien A. McLeod, Dr. Alexander McLeod, Thomas F. McRae, Peter Rivers, and Mark Rivers, the taking of such depositions to be continued from day to day until completed.

SAMUEL LEE,
Contestant.

COVINGTON & LIVINGSTON,
For Contestant.

Service accepted March 29, 1876.

J. H. RAINEY.

Caption to depositions.

UNITED STATES OF AMERICA,

State of South Carolina, County of Marlborough :

Testimony taken before H. H. Newton, a notary public in and for said State, at Bennettsville, for the county of Marlborough, and within the first congressional district of the State of South Carolina, in the matter wherein Samuel Lee contests the seat of Joseph H. Rainey, returned member in the Forty-fourth Congress of the United States from the first congressional district of South Carolina, in pursuance of notice personally served on the contestee on the 29th day of March, 1876, said contestant appearing by his attorney, Knox Livingston, esq., and the said contestee by said D. D. McCall, esq., his attorney, this the 3d day of April, 1876.

Deposition of Mark Rivers.

MARK RIVERS, a witness on behalf of contestant, being duly sworn, deposes and says:

Question. What is your name, and where do you live?—Answer. Mark Rivers; live in Marlborough County, Red Hill Township.

Q. Where did you live before you came here?—A. In Chesterfield County, South Carolina. In 1859 lived near Samuel Odom's in said county.

Q. Are you the father of Peter Rivers?—A. I claim to be, as much so as any other father.

Q. Is he the party named Peter Rivers who voted at Red Hill at the last general election?—A. He voted there.

Q. When was he born?—A. He was born in 1852, June 11.

Q. Did you record his age in your family Bible?—A. I did.

Q. Does your statement agree with that record?

(Objected to by contestee's counsel, on the ground that the record is the highest evidence.)

A. It does.

Q. Did you make the entry yourself?—A. Yes.

Cross-examined by contestee's counsel:

Q. Had Peter ever voted before he voted at Red Hill the last time?—
A. I think not.

Q. Don't you know it to be a fact that Peter claimed shortly before the last election that he was not old enough to work the road?—A. I do not. He worked the road twice before.

Q. Which is the oldest, Eliza Jane or Peter?—A. Peter.

Q. Did you put the name in the family record yourself?—A. Yes.

Q. I see in the record you have the name of Peter Rivers in two places, and in one of them the word January is erased and the word June put in in different ink; why is this?—A. I entered the births of all my children twice on the same page, in case there might possibly be any blot or wet or anything of the kind. In entering the name of Peter the second time I put January through mistake, and I erased it and put June, which was the correct month.

Q. Which is the older, your daughter Elizabeth, or your son Peter?—
A. Peter.

Q. Was not Mrs. Lucy Odom wife of Samuel Odom at the birth of Peter Rivers, and did she not dress him on that occasion?—A. No.

Q. Do you remember what year you were living at or near Samuel Odom's?—A. In 1855, '56, or '57. Samuel Odom moved near where I lived in Chesterfield, I think. We lived near each other till 1860, but Samuel Odom was not in that section when Peter was born. In 1860 I moved about ten miles from Odom.

(All the answer not responsive to the question objected to by contestee's counsel.)

Q. I see from the entry he was born on Friday, the 11th of June; was Friday the day of the week?—A. Yes.

Redirect:

Q. How long have you had this Bible in your possession?
(Objected to as not being in reply to the cross-examination.)

A. If I am not mistaken I got it about 1849.

Q. What physician and midwife attended your wife when Peter was born?—A. An old midwife by the name of Sarah Weaver, and Dr. Roger Park.

(The record from the family Bible offered in evidence, and objected to by contestee's counsel on the ground that it has not been proven up to this time. The following is a correct copy of the entries in the Bible as regards the age of Peter Rivers, to wit, "Peter J. Wesley Rivers was borne June the 11th, 1852;" "Peter J. Wesley was born on Frid'y the 11th June, 1852.")

The contestee's counsel desired the last entry put down first, because it appears on the first column of the page, and hence objects to the order in which the entries above are placed, the contestant's counsel contending for the order in which they now stand.)

Q. When did you make the entries of the births of your children?
(Objected to as not in reply.)

A. I made one of the entries as to Peter shortly after his birth; the other was copied from it sometime afterward.

Q. Do you know that your son Peter J. Wesley Rivers was born on 11th June, 1852?—A. I do.

MARK RIVERS.

Sworn to and subscribed before me, April 3, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

Deposition of John S. Fletcher.

JOHN S. FLETCHER, being duly sworn, deposes and says:

Question. Are you a citizen of this county?—Answer. I am.

Q. Where were you on the day of the last general election, and in what capacity were you acting?—A. I was at Adamsville precinct, acting as a manager.

Q. Do you know Johnson Easterling?—A. I do.

Q. Did he attempt to vote there on that occasion?—A. He did.

Q. Did he try to vote a ticket similar to the one shown witness, marked Exhibit A?—A. He did.

Q. Did he afterward vote; and, if so, where?—A. He told me next day that he voted at Bennettsville poll.

(Objected to as hearsay.)

Q. Did he say what ticket he voted?—A. He did not.

(Objected to as hearsay.)

Q. From your knowledge of the political parties, to the best of your judgment, whom would you say he voted for for Congress?

(Objected to on the ground that it is a pure matter of opinion witness is asked to give.)

A. Joseph H. Rainey.

Q. Had he lived in this State the year just previous to the election?—A. He had not.

Q. Where had he lived?—A. In Richmond County, North Carolina, so he told me.

(Objected to by contestee's counsel on the ground that it is hearsay.)

Q. Do you know whether or not he was twenty-one years old at that time?—A. I do not of my own knowledge. According to a bill of sale given by Joel Easterling to James McAlman he was only about nineteen years old.

(Objected to on the ground that witness does not know that bill of sale was correct, and that it is hearsay.)

Q. How long have you known Johnson Easterling?—A. Ever since his childhood. Just after the war he was a small boy staying with my brother.

Q. From your knowledge of Johnson Easterling would you say he was twenty-one years old at last general election?

(Objected to as being matter of opinion only.)

A. I would say he was not.

Cross-examined:

Q. Do you know the age of Johnson Easterling?—A. I do not.

Q. Do you know of your own knowledge that he had not been in the State previous to the election for one year?—A. Of my own knowledge I do not.

Q. Do you know of your own knowledge that he voted at all?—A. I do not, only as he told me.

(Objected to, as to latter part, as not responsive, and coming out under protest of contestee's counsel.)

Q. You say that when he attempted to vote at Adamsville he had a ticket headed as ticket marked Exhibit A. Do you know whether the ticket he attempted to vote had the names on it that Exhibit A has?—A. I do not; but suppose it to be the same. No other ticket there that day with the picture on it like Exhibit A.

Redirect :

Q. Where did Johnson Easterling go immediately after the election ?
—A. I suppose to North Carolina. I settled with him shortly after that in North Carolina. I sent word to him to come to my house in South Carolina, and he sent word for me to meet him at Gibson's store in North Carolina, and I went there and settled with him.

(Objected to as hearsay.)

Q. Did he meet you in North Carolina in pursuance of the message received from him, for a settlement ?—A. He did, and I settled with him in North Carolina.

JOHN S. FLETCHER.

Sworn to and subscribed before me this April 3, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

Deposition of Jesse D. Bethea.

JESSE D. BETHEA, being duly sworn, deposes and says :

Question. Are you a citizen of Marlborough County ?—Answer. I am.

Q. Do you know Johnson Easterling ?—A. I do.

Q. Did you see him at Bennettsville on the day of the last general election ?—A. I did. I saw him come out of the office where the polls were held at the door where those who had voted were discharged. I did not see him put his vote in the box. I did not see him vote.

Cross-examined :

Q. Do you know whether or not he voted ?—A. I do not.

J. D. BETHEA.

Sworn to and subscribed before me this April 3, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

Deposition of Maj. William P. Emanuel.

Maj. WILLIAM P. EMANUEL, being duly sworn, deposes and says :

Question. Are you a citizen of this county ?—Answer. Yes.

Q. Where were you on the day of the last general election, and in what capacity were you acting ?—A. In Bennettsville, at that precinct acting as manager of election.

Q. Why did the managers allow William H. Parham to vote on that occasion ?—A. Because he was a citizen of the State we thought he was entitled to vote for State and congressional officers. He lived in Sumter, in this congressional district.

Q. Do you remember a man by the name of Alford voting on that occasion ?—A. I have some recollection of it.

Q. What did he state to the managers regarding his residence ?—A. He stated that he had gone over to North Carolina temporarily, but regarded South Carolina his home ; that he did not think himself entitled to vote in North Carolina ; that he never voted there.

(So much of answer as gives opinion of voter objected to.)

Q. Please state the circumstances connected with the attempt of Abe Johnson to vote.—A. The managers received information, which they regarded authentic, that he had not been in this (Marlborough) County sixty days just previous to the election, but had recently come from Darlington. He was allowed the privilege, deponent thinks, of voting the State and congressional ticket, but he refused to exercise such privilege, deponent thinks, but is not positive as to his refusing.

Q. Mr. J. L. Breeden has stated heretofore, on behalf of the contestee, that a man by the name of Quick attempted to vote; that his vote was challenged, and he offered to prove his age by his father, but the managers would not allow him to vote. Please state the circumstances surrounding his attempt to vote.—A. I remember the case well; it is fresh in my mind, for I was the party objecting to his vote. My reasons for so objecting are as follows: He had been living on my plantation for about four years, and left there a year and ten months previous to the election. During the time he lived there, and near the latter end of said period, I was overseer on the public road, and told him he must work the road. He said he was not old enough, and I went to his father about it, and his father told me he was not old enough. He came in to the polls to vote, and when I objected he said he could prove he was old enough to vote by his father. I told him to go and bring his father in. He went out for that purpose, and returned without bringing his father, and made a second attempt. I still objected, and he went out and brought in one Jeff Quick, who swore he (the said voter) was old enough; and he was then allowed to vote. He never worked the road all the time he staid at my place. Jeff Quick was not his father; his father's name is Allen Quick.

Q. Was there any other Quick who was refused the privilege of voting on that occasion?—A. None, to my recollection.

Q. Did the managers deny any man the privilege of voting without satisfactory proof of his disqualification?

(Objected to as being matter of opinion.)

A. They did not.

Cross-examined:

Q. Is it not a fact that parties proposed to swear that they were old enough to vote, and were refused when no one was present to contradict their statement on oath?—A. Parties were willing to swear, and were refused, but in every such case contradictory evidence was produced, but can't say whether it was under oath or not; and deponent remembers only two cases of the kind.

Q. Don't you remember when William H. Parham offered to vote that objection was made on the ground that he was a non-resident of this county at the time, and that in the face of this information he was allowed to vote?—A. The managers knew he was a non-resident of this county, but that he lived in the State; and they decided he could vote for State and congressional officers.

Q. Don't you remember that Alford stated that he had come from North Carolina in the last of September previous to the election?—A. Do not.

Q. Can you state positively that Alford said that he had been to North Carolina temporarily, but regarded South Carolina as his home?—A. That is my recollection; I cannot state it positively.

Q. Don't you know it to be a fact that a colored man, a brick-mason or plasterer, came to the polls to vote, who resided in Darlington, and wished to vote the State and congressional part of the ticket, and did not do it?—A. I don't remember any such case.

Q. When it was found out that Ab. Johnson was from Darlington was he not absolutely refused a vote?—A. I do not remember, but think he was offered the privilege of voting, as stated.

A. During the voting were you not absent from the polls at times during the day?—A. Only a very few minutes at a time.

Q. Do you say that the man Quick that you have spoken of is the same man that Breeden spoke of in his testimony?—A. I believe he was, for the reason that there was no other man named Quick challenged on that day.

Q. When you say you were absent at times from the polls, how do you know that no other man named Quick was challenged?—A. From the fact that my absence was not long enough to allow sufficient time to go through with the examination.

Q. Major, from the great length of time that has expired since the election, is it not possible that you and Breeden, in speaking of Quick, refer to different men?—A. It is possible, but not very probable.

Redirect :

Q. Did said Alford live in this county before the election?—A. Yes ; but can't tell at what time before the election.

W. P. EMANUEL.

Sworn to and subscribed before me this April 3, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

Exhibit A.

UNION REPUBLICAN TICKET.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

For Forty-fourth Congress, first district.—Joseph H. Rainey.

For State board equalization, first district.—B. D. Townsend.

For the State senate.—Henry J. Maxwell.

For house of representatives.—Thomas C. Weatherly, Jacob C. Allman.

For judge of probate.—John W. Smith.

For school commissioner.—Frank S. Hazle.

For county commissioners.—Thomas G. Sweatt, Edward Ware, John G. Grant.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Marlborough County :

I, H. H. Newton, a notary public for said State, do hereby certify that in pursuance of notice duly given and served on contestee personally on the 29th day of March, A. D., 1876, and in pursuance of the order of the Committee of Elections, made February 28, A. D., 1876, in the case of Samuel Lee, contesting the seat of Joseph H. Rainey, returned member to the Forty-fourth Congress of the United States of America, from the first congressional district of the State of South Carolina, the foregoing testimony was duly taken in behalf of said contestant, the said contestant appearing by his counsel, Knox Livingston, esq., and the said contestee by D. D. McColl, esq., his attorney. I further certify that I

have attached hereto copies of the notice of contest, answer of coutestee, order of committee, and the original notice with the acceptance of service thereof.

In witness whereof I have hereunto set my hand and official seal at Bennettsville, S. C., this April 7, 1876.

[SEAL.]

H. H. NEWTON,
Notary Public, South Carolina.

LEE }
vs. }
RAINEY. }

Resolution of Committee of Elections allowing additional testimony.

COMMITTEE OF ELECTIONS, *February 28, 1876.*

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee vs. Rainey, from the first congressional district of South Carolina :

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey ; and that said Rainey then have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

A copy from the record.

H. P. COCHRAN, *Clerk.*

Notice to take depositions at Florence, Darlington County, South Carolina.

SAMUEL LEE }
vs. } Contested election, first congressional district,
JOSEPH H. RAINEY. } South Carolina.

To Hon. JOSEPH H. RAINEY, *Georgetown, S. C. :*

SIR: You will please take notice that, under the order of the Committee of Elections of the United States House of Representatives, made February 28, 1876, I will proceed to take the depositions of the following citizens of Darlington and Marion Counties, in the first congressional district of South Carolina : Joseph Flaglar, London Phillips, Isham Phillips, Mrs. Charlotte David, L. W. Gadsden, E. W. Lloyd, Mrs. Mary King, Martin Van Buren Johnson, J. A. Howe, Robert Bowler, James Allen, Mrs. Phillis Parnell, William McKenzie, J. S. McCall, J. J. Barden, Robert Rogers, Thomas Jefferson, L. A. McCall, Junius Law, A. J. Corrie, C. E. McPherson, M. M. Johnson, E. M. Davis, Isham Jordan, Frank Gurley, E. J. Burch, and Smiley Gregg, before J. P. Chase, notary public for Darlington County, at Florence, in said county, and State of South Carolina, on Saturday, the 25th day of March, 1876, at 10 o'clock a. m., to be adjourned from day to day till completed.

Florence, S. C., March 18, 1876.

SAMUEL LEE.

Service accepted this 21st day of March, 1876.

J. H. RAINEY.

Subpœna.

THE UNITED STATES OF AMERICA,
State of South Carolina, Darlington County :

To Joseph Flagler, London Phillips, Isham Phillips, J. A. Howe, Mrs. Phillis Parnell, William McKenzie, J. S. McCall, J. L. Barden, Robert Rogers, Thomas Jefferson, C. E. McPherson, M. M. Johnson, Isham Jordan, L. A. McCall, A. B. Henagan, Elsie Richardson, Dublin Pigott, James Worrell, J. B. Janot, C. E. Janot, Josephus Jordan, Jesse Windham, Sutton Stephenson, David Phillips, Mike Deason, Robert Burnett, Mars Daniels :

You are hereby summoned to appear before me at my office, in the town of Florence, in the county of Darlington and State of South Carolina, on Saturday, 25th day of March, A. D. 1876, to testify before me in a contested-election case for member of Congress from the first congressional district of South Carolina, in which Samuel Lee is contestant and Joseph H. Rainey is contestee.

Witness my hand and seal this 20th day of March.

I certify that I served the within subpœna ad testificandum on the persons named.

L. W. GADSDEN,
Constable.

Caption to depositions, (William J. Saunders, notary public.)

SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.	}	Contested election, first congressional district South Carolina.
---	---	---

For contestant, Knox Livingston, esq.; for contestee, F. F. Warley, esq.

STATE OF SOUTH CAROLINA,
Darlington County :

Testimony taken before William J. Saunders, notary public in and for the State of South Carolina, at Florence, in the county of Darlington, and within the first congressional district of the State of South Carolina, in the matter wherein Samuel Lee contests the seat of Joseph H. Rainey in the Forty-fourth Congress of the United States, from the first congressional district of the State of South Carolina, in pursuance of notice dated March 18, 1876, and served on the contestee personally March 21, 1876, said contestant appearing in person and by his attorney, Knox Livingston, esq., and the said contestee in person and by his attorney, Col. F. F. Warley.

Testimony was also taken at the same time and place, and before the same officer, in pursuance of notice served on the contestee March 25, 1876, the contestant and contestee appearing in person and by attorney as stated above.

The following testimony was taken before the said William J. Saunders, notary public, on account of the refusal of Jerome P. Chase to act, for the following reasons, to wit :

"I was called upon as a notary public to take testimony in the matter of the contested election in the first congressional district of South

Carolina, between Samuel Lee and Hon. Joseph H. Rainey, and consented, under the impression that it would be the work of two or three hours, but on finding that it would be a labor of several days, I begged to have another notary public serve in my place, and suggested the name of yourself, on the ground that previous pressing engagements, which could not be deferred without serious damage to myself and family, would prevent my serving."

Question by contestee. Were you competent to take the testimony, and had you an official seal?

Answer. I was not; I had no seal.

The contestee here filed his objections to taking testimony, in a paper hereto annexed, marked Exhibit Aa.

The testimony which was tendered under the citation of March 21, 1876, the officer required to take the same declined to do so, on the ground that, under the act of Congress, the examination of witnesses must be before the officer "named in the notice," or, "by written consent," the contestee refusing to consent, as will appear by exhibit filed, marked Exhibit Aa.

The contestant's counsel stated that the notary had no right to decide upon the regularity of these proceedings, but that it was a matter solely for the decision of the congressional committee.

The notary public here refused to hear further argument in the premises, claiming that under the act of Congress he was not qualified properly so to do, and therefore dismissed the proceedings.

Given under my hand and official seal this 25th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Exhibit Aa.

Having been, on the evening of the 21st instant, notified of an examination of divers persons by Samuel I. Lee, contesting my seat in Congress, on the 25th instant, before J. P. Chase, notary public, I appeared in person and by attorney at the time and place stated, when it appeared that the testimony was proposed to be taken before William J. Saunders, esq., a notary public. I objected to the competency of the said notary public to take the evidence and depositions of the witnesses for the following reasons:

1. Because he is not the officer mentioned in the notice, and the examination can only be had before another by consent.

2. Because the notary before whom the examination is proposed to be had cannot comply with the requirements of the law, having no official seal.

3. Because the time given him in the notice, less than four days from its service on him in Georgetown, is not such time as is contemplated in law, and by reason of this limited time he has not had a day to prepare.

These objections he submits, in no wise intending thereby to recognize the authority of the officer before whom they are made, but, on the contrary, as in bar of his authority, he expressly denying the same.

March 25, 1876.

J. H. RAINEY,
Contestee.

Caption to depositions, (Jerome P. Chase, notary public.)

SAMUEL LEE }
 vs. } Contested election, first congressional district
 JOSEPH H. RAINEY. } South Carolina.

The contestee, by his counsel, having objected to William J. Saunders taking the depositions under the notice served on the contestee on the 21st day of March, 1876, for reasons stated in Exhibit Aa, herewith filed,* and the said William J. Saunders having sustained the objections against the protest of contestant's counsel, Jerome P. Chase, the notary public mentioned in the original notice, was recalled and consented to take the testimony, unless it was made to appear he was incompetent or the counsel on both sides would agree to relieve him.

Col. F. F. Warley, counsel for the contestee, submitted the accompanying objections, marked B. After argument, the notary decided that, having no seal of office, he was incompetent to take testimony in the premises, except by consent of both parties; and the contestee, by his counsel, objecting, he could not therefore take the testimony. The contestant's counsel submitted the following protest to this decision of the notary, marked C.

The hearing was adjourned under the ruling of the notary.

Witness my hand and private seal this 25th day of March, 1876, at Florence, S. C.

[L. S.]

JEROME P. CHASE,
Notary Public.

Exhibit B.

Mr. W. J. Saunders, notary public, having been substituted for J. P. Chase, before whom I had been cited to appear, and Mr. Chase having stated why he declined to hold the examination, which statement was reduced to writing by Notary Public Saunders, and Mr. Chase having, with the consent of the contestant, withdrawn, the right of Mr. Saunders, without my consent to take the testimony, having, after argument, been decided in my favor, the contestant then proposed to recall, and did recall, Mr. Chase, under the original notice to take the depositions. To this I object, on the ground—

1. That the notice served on the 21st instant on me has been waived by the contestant, and I am no longer bound thereby, and I protest against Mr. Chase requiring me to appear thereunder; and I insist that all evidence taken by him is contrary to law and worthless.

I further object to the hearing on the following grounds:

1. Because he has not had reasonable notice, the service being on him in Georgetown on the evening of the 21st instant, by reason whereof he has not had opportunity to consult with his counsel, resident at Darlington Court-House, nor to enjoy the privilege given him by law of one day for preparation.

2. Because the officer before whoever the examination is proposed to be had has no official seal, and his effort to take the depositions must be nugatory.

March 25, 1876.

J. H. RAINEY, *Contestee.*
 WARLEY & DARGAN,
Attorney for Contestee.

* Exhibit Aa is with Maj. W. J. Saunders's papers, herewith sent.

Exhibit Bb.

149 MEETING STREET,
Charleston, S. C., March 23, 1876.

W. J. SAUNDERS, Esq., *Florence, S. C.*:

DEAR SIR: Your telegram of this date is at hand. I am sorry to say that the press has not yet come to hand, but I expect it on the steamer, Friday, when it will be forwarded immediately.

Yours, truly,

ED. PERRY.

Exhibit C.

The contestant submits that he did not waive an examination before J. P. Chase, notary public, until he declined to act, whereupon he asked William J. Saunders, esq., to take the testimony.

That the second objection of the contestee is groundless, because he admits that he could have reached the place designated in the notice on Thursday, the 23d of March, two days before the time to take the testimony.

That to entitle a notary public to take testimony under the act of Congress it is not necessary for him to have an official seal, his commission and a certificate of the secretary of state being sufficient evidence of his appointment.

Contestant further submits that the notary public had no power to pass upon these preliminary questions, and therefore protests against his decision.

SAMUEL LEE, *Contestant.*
KNOX LIVINGSTON, *Attorney.*

LEE }
vs. }
RAINEY. }

Resolution of Committee of Elections allowing additional testimony.

COMMITTEE OF ELECTIONS, *February 28, 1876.*

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee vs. Rainey, from the first district of South Carolina:

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey; and that said Rainey then have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

A copy from the record.

H. P. COCHRAN, *Clerk.*

Notice to take depositions at Florence, S. C.

SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.	}	Contested election, first congressional district, South Carolina.
---	---	--

Hon. JOSEPH H. RAINEY,
Florence, S. C.:

SIR: Please take notice that under the order of the Committee of Elections of the United States House of Representatives, made February 28, 1876, I will proceed to introduce and examine, before W. J. Saunders, notary public, Darlington County, South Carolina, at Florence, S. C., on Wednesday, the 29th day of March, 1876, at 11 o'clock a. m., to be adjourned from day to day until completed, the following-named witnesses, citizens of Darlington and Marion Counties, of the first congressional district of South Carolina, viz: Joseph Flagler, London Phillips, Isham Phillips, Mrs. Charlotte David, L. W. Gadsden, E. W. Lloyd, Martin Van Buren Johnson, J. A. Howe, Robert Bowler, James Allen, Mrs. Phillis Parnell, William McKenzie, J. L. Barden, Robert Rogers, L. A. McCall, Junius A. Law, A. J. Corrie, C. E. McPherson, M. M. Johnson, E. M. Davis, Isham Jordan, Frank Gurley, E. J. Burch, Smiley Gregg, Sidney Raiford, Jesse Windham, Sutton Stevenson, David Phillips, Mike Deason, Josephus Jordan, Robert Burnett, Dublin Pigott, J. B. Jarvot, Mars Daniels, J. J. McCown, Preston Gee, Mrs. Elsie Richardson, A. B. Hennagan, Mrs. Mary King, James Worrill, B. F. Williamson, Rev. Daniel Jesse, W. James De Bouse, and J. D. McCall.

Very respectfully,

SAMUEL LEE.

Service accepted this 27th day of March, 1876.

J. H. RAINEY.

Subpœna.

THE UNITED STATES OF AMERICA,
State of South Carolina, Darlington County:

To Joseph Flagler, London Phillips, J. A. Howe, William McKenzie, J. D. Barden, Robert Rogers, Thomas Jefferson, C. E. McPherson, M. M. Johnson, E. M. Davis, Isham Jordan, Smiler A. Gregg, L. A. McCall, A. B. Henagan, James A. Pettigrew, Dublin Pigott, George Pigott, James Worrill, W. James Du Bose, C. E. Janot, Robert Burnet, Mars Daniels, Jesse Windham, Mike Deason, David Phillips, Sutton Stephenson, Josephus Jordan, P. B. Stratton:

You are hereby summoned to appear before me, at my office in the town of Florence, in the county of Darlington and State of South Carolina, on Wednesday, the 29th day of March, A. D. 1876, to testify before me in a contested-election case for member of Congress from the first congressional district of South Carolina, in which Samuel Lee is contestant and Joseph H. Rainey is contestee.

Witness my hand and seal this 25th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,

Notary Public.

I certify that I served the within subpœna ad testificandum on the persons named.

L. W. GADSDEN, *Constable.*

Notice to examine additional witnesses, No. 1.

SAMUEL LEE
 vs.
 JOSEPH H. RAINEY. } Contested election, first congressional district
 South Carolina.

To Hon. JOSEPH H. RAINEY,
Florence, S. C.:

SIR: Please take notice that I will proceed to introduce and examine, before W. J. Saunders, notary public, at Florence, Darlington County, South Carolina, during the taking of testimony at this place of which notice was served upon you on the 27th of March, the following-named citizens of Marion and Darlington Counties, of the first congressional district of South Carolina, as additional witnesses in the above-named cause, viz: C. E. Jarrot, Henry Hennagan, Joe Washington, Charles Burnett, George Pigott, Benjamin Pigott, James Worrill, and A. V. Laytore.

Very respectfully,

SAMUEL LEE.

FLORENCE, S. C., *March 29, 1876.*

Service accepted this 29th day of March, 1876.

J. H. RAINEY.

Notice to examine additional witnesses, No. 2.

SAMUEL LEE
 vs.
 JOSEPH H. RAINEY. } Contested election, first congressional district
 South Carolina.

To Hon. JOSEPH H. RAINEY,
Florence, S. C.:

SIR: Please take notice that, under the order of the committee of the United States House of Representatives, passed February 28, 1876, I will proceed to introduce and examine, during the taking of testimony at this place, begun on the 29th instant according to notice already served upon you, the following citizens of Darlington County, South Carolina, as additional witnesses, viz: P. B. Stratton, W. J. Norris.

SAMUEL LEE.

FLORENCE, S. C., *March 31, 1876.*

Service accepted this 31st day of March, 1876.

J. H. RAINEY.

Subpæna.

THE UNITED STATES OF AMERICA,
State of South Carolina, Darlington County:

To Sidney Raiford, Charles Burnet, James A. Pettigrew, Joseph Washington, and Henry Henagan:

You are hereby summoned to appear before me, at my office in the town of Florence, in the county of Darlington and State of South Caro-

lina, on Friday, the 31st day of March, 1876, to testify before me in a contested-election case for member of Congress from the first congressional district of South Carolina, in which Samuel Lee is contestant and Joseph H. Rainey is contestee.

Witness my hand and seal this the 25th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

I certify that I served the within subpoena ad testificandum on the persons named.

W. J. DU BOSE, Constable.

Caption to depositions.

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election, first congressional district
South Carolina.

For contestant, Knox Livingston, esq.; for contestee, Warley & Dargan.

Testimony taken before William J. Saunders, notary public for the State of South Carolina, at Florence, in the county of Darlington, and within the first congressional district of the State of South Carolina, in the matter wherein Samuel Lee contests the seat of Joseph H. Rainey in the Forty-fourth Congress of the United States, from the first congressional district of the State of South Carolina, in pursuance of notice dated March 25, 1876, and served on the contestee personally March 27, 1876, said contestant appearing in person and by his attorney, Knox Livingston, esq., and the said contestee in person and by his attorney, Keith Dargan, esq., this 29th day of March, A. D. 1876.

Deposition of Dublin Pigott.

DUBLIN PIGOTT, being called as a witness on the part of the contestant, after being first duly sworn, testified as follows, to wit:

Question. Are you a citizen of this county?—Answer. Yes, sir.

Q. Where were you on the day of election?—A. Part of the time at home and part of the time at Effingham precinct, Darlington County.

Q. Do you know Charles McPherson?—A. I do.

Q. Did he vote on that day; and, if so, for whom?—A. I did not see him vote, but afterward he told that he voted the Chamberlain and Rainey ticket.

(Objected to on the ground that the evidence is hearsay, being the declaration of the voter.)

Q. Do you know Bethel Williamson?—A. I do.

Q. Did you see him on the day of the last general election and at the polls?—A. I did.

Q. Did he vote on that occasion; and, if so, for whom did he vote?—A. He said he voted for Rainey.

(Objected to as being hearsay evidence.)

Q. Do you know Kenyon Solis and Bryant Wright?—A. I know them when I see them.

Q. Did they attempt to vote on that occasion?—A. I did not see them vote, but heard them say they intended to vote at Florence the Chamberlain and Rainey ticket.

Q. Is Bryant Wright known by any other name?—A. I know his name is Bryant, but do not know the name of Wright.

Q. Is that the ticket known as the Chamberlain and Rainey ticket? [Ticket exhibited to witness.]—A. It is.

NOTE.—Ticket put in evidence, marked "Exhibit A."

Cross-examination by Mr. Dargan:

Q. Did you see any of the persons named by you vote?—A. No, sir.

Q. Are you the only colored person who voted for Green and Lee at Effingham precinct?—A. I was, sir.

By Mr. Livingston:

Q. Are these parties spoken of by you all colored people?—A. Yes, sir.

Q. Which ticket did the colored people of this county support?—A. The Chamberlain and Rainey ticket, so far as I know.

DUBLIN PIGOTT.

Subscribed and sworn to before me March 29, 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Contestant here stated that there were certain parties in the room who had admitted to him that they were trying to persuade witnesses not to testify, and asked the notary public to warn the parties to desist.

One of the parties admitted he was doing it and was not ashamed.

The notary instructed him not to do so again.

Contestee's statement.

The contestee objects to the entry of the contestant's statement, as irrelevant to the issue, and as intended to prejudice his case, without connecting him with the conduct complained of. He denies all knowledge of the intermeddling with the witnesses as charged by contestant.

Deposition of M. M. Johnson.

M. M. JOHNSON, being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. Do you know Joe Stephenson, David Phillips, Sutton Stephenson, Henry Douglas, Mike Deason, Josephus Jordan, Emery Stephenson?—Answer. I do.

Q. Do you also know Robert Graham, Jesse Windham, Samuel Jenkins, and George Scott?—A. I do.

Q. Where were these parties living at the last general election in 1874?—A. All living in Marion, except Samuel Jenkins, Robert Graham, and George Scott, and these three live in Marion, I believe; but I can't state positively.

Q. You are satisfied, of your own knowledge, that these parties were living in Marion County at that time?—A. I am. They lived on the place I have charge of.

Q. Have they continued to reside in Marion County since?—A. They have, except Joe Stephenson, who has moved elsewhere.

Q. Did these parties vote at the last general election?—A. They came off to vote.

Q. In what direction did they come?—A. They came toward Florence, in Darlington County.

Q. Did they state that they intended to vote at Florence, and did you inform them they had no right to vote there?—A. The head man said that they had always voted at Florence and intended to do so; the others were not present at that time.

Q. In going to the polling-place of your precinct, in Marion County, would they have to come toward Florence?—A. They should have gone in the opposite direction.

Q. Have any of these parties stated to you that they voted at Florence, and, if so, which ones?—A. All of them have told me that they did, except Joe Stephenson.

(Objected to, on the part of the contestee, as hearsay evidence.)

Q. For whom did they say they voted?—A. They told me that they voted the Chamberlain and Rainey ticket clear through; they did not scratch or tear any off.

Q. During that canvass, which ticket did they advocate?—A. The Chamberlain and Rainey ticket they spoke of most often.

Q. Outside of their declarations, for whom would you say they voted for Congress, judging from their politics and color and other means?—A. I would say they voted for Rainey.

(Objected to, as calling for the opinion of the witness.)

Q. Do you know of any other parties in Marion or Darlington County bearing the same names as these parties do?—A. I do not.

Q. Did Samuel Jenkins and George Scott state to you where they voted at the last general election and for what ticket they voted?—A. They did; they voted at Florence, and they voted the Chamberlain and Rainey ticket through, and tore none off.

Q. Have these parties families?—A. They all have families.

Q. Where did those families live?—A. With me, in Marion County.

M. M. JOHNSON.

Sworn to and subscribed before me on this 29th day of March, 1876.

[SEAL.]

WM. J. SAUNDERS,

Notary Public for South Carolina.

Deposition of L. A. McCall.

L. A. MCCALL, being called as a witness on the part of the contestant, after being first duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. I am.

Q. Do you know Joe Stephenson, David Phillips, Sutton Stephenson, Henry Douglas, Mike Deason, Josephus Jordan, Eli Harrison, Henry Stephenson, Robert Graham, Jesse Windham, George Scott, Perry Pickett?—A. I do.

Q. In what county did they live at the time of the last general election?—A. So far as I know, Sutton Stephenson is the only one that I knew to reside on Mr. Johnson's place.

Q. Do you know of any parties having those names living in Darlington County?—A. No.

Q. Have you lived in Darlington County all of your life?—A. My home has always been in Darlington County.

Q. Do you know where Robert Graham, Samuel Jinkins, and George Scott live?—A. They all live in Marion County.

Q. Do you know the exact line between Marion and Darlington Counties?—A. I do, by actual survey.

Q. You are satisfied, then, that these parties live on the other side of the line?—A. I am.

Q. Did David Phillips vote at the last election, and, if so, where, and for whom for Congress?—A. He informed me that he voted in Darlington County, at Florence, and that he voted the Chamberlain ticket through.

(Objected to by counsel for contestee on ground of being hearsay evidence.)

Cross-examined :

Q. How far do you live from Samuel Jinkins, George Scott, and Robert Graham?—A. About one mile.

Q. How near the Marion line do they live?—A. I don't suppose their houses are a hundred yards from the line.

Q. When was that survey made, and did you know where the line was before the survey was made?—A. The survey was made in 1871 or 1872; he only knew the line on the road before that time.

Q. Did you know the line in the plantation?—A. I did not until that survey.

Q. Do you know of your own knowledge whether that survey is correct?—A. I do not. No two surveyors run the same line.

Redirect examination :

Q. Is the property you speak of assessed for taxation in Darlington or Marion County?—A. It is assessed in Marion County. I paid the taxes for the owner once in Marion.

Q. You are perfectly satisfied that the place referred to by you is in Marion County?—A. I am satisfied that the portion I sold to the present owner is.

Q. On what place do the parties referred to by you live?—A. They live on the place in Marion County.

Q. Do you know where David Phillips, and the others first referred to now live?—A. They live on the same place in Marion County.

L. A. McCALL.

Sworn to and subscribed before me on this 29th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Josephus Jordan.

JOSEPHUS JORDAN, being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. In what county do you now live and how long have you lived there?—Answer. Marion County, and have lived there for nearly five years.

Q. Did you vote at the last general election; and, if so, where?—A. I voted at the last general election and voted here in Florence, Darlington County.

Q. Is that the same kind of ticket you voted? [Showing the witness the ticket marked "Exhibit A."]—A. It is.

Q. Where did Joe Stephenson, David Phillips, Sutton Stephenson, Henry Douglas, Mike Deason, and Henry Stephenson live in 1874?—A. At the same place I did.

Q. Did they vote at Florence at last general election?—A. I don't know. I came by myself and they came by themselves. I was the last one.

Q. Did you see any of those parties vote?—A. No, sir. I came by myself.

Cross-examined:

Q. Where did you get the ticket that you voted?—A. The ticket was handed to me, but I don't know by whom.

Q. Can you read?—A. No, sir.

Q. How do you recognize the ticket?—A. It is a blue ticket.

Q. Was it handed to you folded and did you put it in the box with your own hand?—A. Yes, sir.

Q. Have you been in the habit of voting at Florence, Darlington County?—A. The first vote and last vote since I came of age has been cast here in Florence. I also registered in Florence.

Q. Was the ticket you voted scratched?—A. No, sir.

Q. Did you know the names on the ticket?—A. The names on the ticket were Chamberlain and Rainey. I voted a hold long ticket.

Q. Had you the right to vote in Darlington County?—A. I had the right to vote; I was born and bred here.

his
JOSEPHUS + JORDAN.
mark.

Sworn to and subscribed before me this 29th day of March, A. D. 1876.

[SEAL.]

WILLIAM J. SAUNDERS,
Notary Public.

Deposition of Sutton Stephenson.

SUTTON STEPHENSON, being called as a witness on the part of the contestant, after being first duly sworn, testified as follows, to wit:

Question. Do you live in Marion County, and, if so, how long have you lived there?—Answer. I live in Marion County. At the time of last general election I worked in Marion County and lived in Darlington County. I rented a house from Mr. L. A. McCall, who lives in Darlington County.

Q. Where did your regular wife live?—A. I had but one and she lived on Mr. L. A. McCall's place, in Darlington County; my first wife gave me to her.

Q. Where did your first wife live?—A. She lived on Mr. Gibbs's place, in Marion County, but I had nothing to do with her.

Q. In whose employ were you in the year of the last general election?—A. I was in the employ of James S. Gibbs, in Marion County, the year I voted. I worked in both counties.

Q. Who came here to the polls with you?—A. I came pretty much by myself.

Q. Did you see Joseph Stephenson vote?—A. No, sir.

Q. Did you vote at Florence at the last general election?—A. I voted here all the time. Always did.

Q. Did you vote a ticket similar to that? [Ticket marked "Exhibit A" shown witness.]—A. I can't tell to save my life whether I voted that ticket or not.

Q. Did you vote the Chamberlain or the Green ticket?—A. I don't know. I can't tell.

Cross-examined:

Q. Your wife lived in Darlington County?—A. She did, and my washing and cooking was all done there.

his
SUTTON + STEPHENSON.
mark.

Sworn to and subscribed before me on this 29th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of L. W. Gadsden.

L. W. GADSDEN being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of this county?—Answer. Yes, sir.

Q. Do you know Perry Pickett, Eli Harrison, Joe Stephenson, David Phillips, Sutton Stephenson, and Sidney Raiford?—A. Yes, sir.

Q. Where did they live at the time of the last general election?—A. They told me that they lived in Marion County.

(Objected to as hearsay evidence.)

Q. Do you know of your own knowledge where any of those parties lived at the time of the last general election?—A. Perry Pickett lived in Marion County.

Q. Do you know where and for whom they voted?—A. Sutton Stephenson, David Phillips, Jesse Windham, Josephus Jordan, and Mike Drason told me that they voted at Florence, in Darlington County.

(Objected to as hearsay evidence.)

Q. What ticket did they state that they voted?—A. The Chamberlain and Rainey ticket.

Q. Is that the ticket [showing the witness the ticket marked "Exhibit A"] known as the Chamberlain and Rainey ticket?—A. It is.

Q. Were any of the parties mentioned by you here in Florence to-day?—A. I have seen Sutton Stephenson, Josephus Jordan, David Phillips. I know that others started to Florence, but I have not seen them.

Q. Did you see any party trying to persuade the above-mentioned parties to leave Florence?—A. There was a man talking to them as I approached them, to tell them they had better come and go before the notary public to testify. The man above referred to said to me that it was none of my business, that they did not belong to me.

(Objected to as irrelevant to the issue.)

Q. Could you get the parties above mentioned to come with you?—A. They would not come.

Cross-examined:

Q. What was the occupation of the parties named by you?—A. All except two are working-hands under me.

Q. How long had they been so employed?—A. Going on three years.

Q. How near is the plantation on which you are engaged to the Darlington line?—A. Some of it lies in Darlington County, but the largest portion lies in Marion County.

Q. Sutton Stephenson talked with you alone about voting?—A. I talked with him about voting in Darlington County; he said that he had always voted here, and intended to do it.

Q. Have you ever known Sutton Stephenson to vote in Marion County?—A. I have not to my knowledge.

Q. Did you converse with him after the election about his voting, and where was the conversation?—A. I did have a conversation with him several times, and in my yard, four or five days ago.

Q. Was any one present at that conversation?—A. I think not.

Q. What was your object in seeking that conversation?—A. Being that he was subpoenaed here, I asked him how he had voted.

Q. What were the exact words of his reply?—A. His words were that he voted the Chamberlain and Rainey ticket, and tore none off.

Q. Is that ticket usually designated in that way?—A. It is, and the other one was called the Green and Lee.

Q. Did you ask him if he scratched that ticket?—A. I did not. My conversation was very short with him.

Q. When and where did you have a conversation with Josephus Jordan about voting?—A. In the horse-lot some few days since, and no one was present.

Q. Did you have separate conversations with each of the other parties?—A. I did.

Q. Did they each and every one of them give the same answer to your questions about voting?—A. Each one stated that they had voted the same ticket.

Q. Did you tell these parties that their voting place was in Marion County?—A. I told one and probably others.

Redirect examination:

Q. What kind of laborers are these parties mentioned by you?—A. They are farm-hands and tenants.

Q. Was not the place of residence of all of these parties in Marion County at the last general election; and, if so, how long before?—A. They were, except as to George Scott and Samuel Jenkins; and they were so near the line that I believe they were in Marion County. They lived with me in Marion County, since the 1st of January, 1874.

Q. Do you know Sidney Raiford, and what ticket he voted?—A. He told me he voted here, and that he voted the Chamberlain and Rainey ticket.

(Objected to as hearsay evidence.)

Q. Do you know Thomas Jefferson?—A. I do.

Q. How old was he at the last general election?—A. He was about eighteen years old to the best of my knowledge. He stated to me Sunday before last that he would be twenty-one the 10th of next August.

(Last part of the answer objected to as hearsay evidence.)

Q. Did he vote at the last general election, and if, so, for whom?—A. He told me that he voted here, and voted the Chamberlain and Rainey ticket.

(Objected to as hearsay and not the best evidence.)

Q. Is Thomas Jefferson any relation of yours?—A. No, sir; he is my step-father's nephew.

Q. Do you know any other person here by the name of Thomas Jefferson?—A. No, sir.

Q. Are you well acquainted in this county, and what opportunities have you had to know the people?—A. I have been assistant census-taker, assisted in collecting the taxes, and supervisor of the streets of Florence, Darlington County.

Q. Do you know Charles McPherson?—A. Yes, sir.

Q. How old was he at the last general election?—A. I do not know.

Q. Have you ever had occasion to summon him to work on the streets, and if so, when?—A. Yes, I summoned him about two years ago.

Q. How old did he say he was then?—A. He claimed to be under eighteen.

(Objected to, the record of the town council being the best evidence.)

Q. Was he excused from performing street duty on account of his age?

(Objected to on same grounds.)

A. Yes, sir.

Q. Between what ages are parties required to work on the streets?—

A. Between eighteen and forty-five.

Q. Do you know Mars Daniels?—A. Yes, sir.

Q. Did he vote at last election, and when and for whom?—A. He told me that he did. He voted at Florence, and voted the Chamberlain and Rainey ticket.

(Objected to as hearsay evidence.)

Cross-examined:

Q. Do you know of your own knowledge how any of the persons mentioned by you voted?—A. No, sir; than what they tell me.

Q. Do you know where any of the persons mentioned by you voted?—

A. No, sir; not of my own knowledge.

Q. When did they or any of them tell you where or how they voted?—

A. The first-mentioned person told me last week, and some of them told me this morning.

Q. When did Sutton Stephenson tell you how he voted?—A. He told me so last week.

Q. Any one tell you so last week?—A. David Phillips, Jesse Windham, Mike Deason. Mars Daniels told me this morning. Thomas Jefferson told me shortly after the election.

Q. What was your motive in asking them how they voted?—A. I refuse to tell you my motive.

Q. Are you not an active partisan of Mr. Lee in this contest?—A. O, yes, sir; was on the same ticket with him as representative.

Q. When did you run for senator?—A. Never ran, sir.

Q. Is that your name on that ticket? (Ticket shown witness, marked "Exhibit B.")—A. It is; but it was a mistake. Dr. Pressley was the candidate for senator; I was for representative. I was nominated, but declined.

Q. Were you not voted for for that office?—A. I don't think I was.

Q. Was not that ticket (ticket shown witness, marked "Exhibit B") voted at Florence?—A. Not with my name on it for senator, but with Dr. T. H. Pressley, of Society Hill.

Q. Was Chas. McPherson a resident of Florence when he declined to work on the streets?—A. He was teaching school at Old Effingham.

Q. Do you know when Thomas Jefferson was born?—A. No, sir.

Q. What you said then about his age was an estimate?—A. Yes, sir.

Q. Will you swear to its correctness?—A. No, sir.

Q. What is the voting population of the town of Florence?—A. Between two and three hundred.

Redirect examination :

Q. Is that the ticket voted by those opposed to the Chamberlain-Rainey vote? (Witness shown a ticket marked as "Exhibit C.")—A. Yes, sir.

Q. How old are you?—A. I will be twenty-five the 1st September.

Q. Don't you know that Thomas Jefferson is between four and five years younger than you are?—A. I do not know it, but think he is between four and five years younger.

L. W. GADSDEN.

Sworn to and subscribed before me this 29th day of March, A. D. 1876.
[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Elsie Richardson.

Mrs. ELSIE RICHARDSON, being called as a witness on the part of the contestant, after being duly sworn testified as follows, to wit :

Question. Do you live in Darlington County?—Answer. I live in Florence, Darlington County.

Q. Do you know George Richardson, and are you his mother?—A. I am.

Q. When was he born?—A. I think he was born about three years before the war, and will be seventeen years old next 7th of May. He was a very small child when the war began.

Q. Do you of your own knowledge know that he is very little if any older than that?—A. Yes, sir; I am satisfied of that.

Cross-examined :

Q. Who was it that told you how old he was?—A. His former owner—last year.

Q. Do you know what day of the month he was born?—A. He was born on the 7th of May.

Q. What year was he born in?—A. I could not exactly say; I did once know, but have forgotten.

Q. Do you know that his former owner took his age down?—A. It was his habit to take down the names and ages of all the children, and I suppose took his also.

Q. So his owner told him and he told you?—A. Yes, sir. I told him to ask his former owner and he did so, and his former owner told him that he was sixteen years old last May.

Q. You were not present when this was told to your son?—A. I was not present and did not hear it myself.

Q. How long has it been since the war closed?—A. I don't know, sir.

Redirect examination :

Q. You know that when the war began your son was very small?
(The question objected to as leading.)

A. Yes, sir.

Q. Is he twenty-one years of age?—A. No, sir; I know that.

^{her}
ELSIE + RICHARDSON.
^{mark.}

Sworn to and subscribed before me this 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

The counsel for contestant here put in evidence a certified copy of the "poll-list kept by the managers of elections of the Florence election-precinct, of the county of Darlington, of the State of South Carolina," which is marked "Exhibit D." He also offered in testimony a certified copy of the poll-list kept by the managers of election of the Effingham election-precinct, of the county of Darlington, of the State of South Carolina, which is marked "Exhibit E," the said exhibits being a list of the voters who voted at the general election held on the 3d day of November, 1874.

The contestee objects to the introduction as evidence of the copies of the poll-lists of the Florence, and poll-list of Effingham precinct because—

1st. The certificates thereto attached do not specify the poll-list therein certified to, but are general in terms.

2d. Because the sheets of both poll-lists are loosely attached to the certificates.

3d. Because of the careless manner in which the lists are gotten up.

4th. Because the lists do not refer to any election, or specify any date.

5th. Because the certificates do not refer to any election, or specify any date or precinct. The contestee further objects to the statement made by the notary immediately preceding these objections, commencing after "Exhibit E," and ending on this page at "1874."

Deposition of J. A. Howe.

Mr. J. A. HOWE being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of this county?—Answer. I am.

Q. Do you know Albert White?—A. Yes, sir.

Q. When was he born?—A. He was born in 1854, in August.

Q. How old is he now?—A. He is twenty-two next August.

Q. Do you know Walter Howe?—A. Yes, sir.

Q. How old is he?—A. He was born the same year, the 15th of July.

Q. Do you know Robert Bennett, Sidney Raiford, David Phillips, Sutton Stephenson, Josephus Jordan, Eli Harrison, Henry Henagan, and Joseph Washington; and, if so, where did they live in 1874?—A. Marion County.

Q. Do they live there now?—A. All of them do not.

Q. Do you know whether or not they voted at the last general election; and, if so, for whom?—A. No, sir.

Q. Did they or any of them tell you where they voted and what ticket they voted?

(Objected to as hearsay.)

A. One of the parties, Sidney Raiford, said he voted the Chamberlain ticket at Florence.

A. From your knowledge of the parties and complexion of political affairs in Darlington, to the best of your judgment, for whom would you say these parties cast their votes for Congress?

(Objected to as calling for the opinion of the witness.)

A. I can't say, but it is my opinion they voted the Chamberlain ticket.

Q. Do you know any other parties having these names in Darlington County?—A. I don't know. I can't think of any.

Cross-examined:

Q. On what is your statement as to the ages of Albert White and Walter Howe based?—A. They belonged to our family, and their ages were entered in a book, and I speak from that book.

(The foregoing testimony was objected to, on the ground that the book referred to was the best evidence.)

Q. Do you know the line between Marion and Darlington Counties?—

A. Yes, sir; in some places. I do not know it all the way.

Q. Do you know the line in the plantation where these parties live?—

A. No, sir; I do not know the line on the Gibbs place, but I do know it where I live.

Q. Do you know of your own knowledge whether Sidney Raiford voted?—A. Only by what he said.

Redirect examination:

Q. Do you know enough about the line between Marion and Darlington Counties to know that the parties mentioned by you as living in Marion do live in Marion?—A. O, yes, sir.

J. A. HOWE.

Sworn to and subscribed before me this 30th day of March, A. D. 1876.
[SEAL.]

W. J. SAUNDERS,
Notary Public.

Deposition of Robert Rogers.

ROBERT ROGERS, being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of this county?—Answer. I am.

Q. Do you know Mars Daniels; if so, how old is he?—A. I know one Mars Daniels; he was born the 12th of September, 1857. I copied it from the record kept by me and my family of the ages of those formerly belonging to us. I cannot say whether I made this particular entry or not; my wife generally made the entries.

(Answer objected to on the ground that the record was the best evidence.)

Q. Is there any event or circumstance outside of the record by which you would know the age of Mars Daniels?—A. Yes, sir; he is four or five months younger than my grandson, who was born in 1857.

Q. Do you know of your own knowledge that Mars Daniels is not twenty-one years of age?—A. I do know that he is not twenty-one.

Cross-examined:

Q. Do you know if this party voted?—A. I do not.

Q. Would you undertake to say there was no other party in Darlington County of the name of Mars Daniels?—A. I would not.

R. ROGERS.

Sworn to and subscribed before me this 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Mrs. Phillis Parnell.

Mrs. PHILLIS PARNELL, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Do you live in Darlington County?—Answer. I do.

Q. Do you know Thomas Jefferson; and, if so, how old is he?—A. I cannot tell exactly; he was quite a baby when I married his uncle. We were married fifteen years ago last July was a year ago, when Jefferson was about two years ago.

Q. Did he ever tell you he had voted; and, if so, where and for whom?

(Objected to as hearsay.)

A. He told me he voted the Chamberlain ticket through at Florence.

Q. Do you know Evans Thomas?—A. Yes, sir.

Q. Is he a brother of Thomas Thomas?—A. Yes, sir.

Q. Did he (Evans Thomas) vote at the last election; and, if so, where and for whom?—A. He told me he voted at Darlington Court-House, and that he voted the Chamberlain ticket through.

(Objected to, being hearsay.)

Cross-examined:

Q. Is not Thomas Jefferson a small, chunky man?—A. Yes, sir.

Q. As I understand your testimony you estimate his age from the time of your marriage?—A. I do; I do not know precisely his age; he was a very small boy when I was married.

Q. You fix his age from that fact alone?—A. I don't precisely know his age; he was very small when I was married.

Q. Could you say positively how old he was when you were married?—A. No, sir.

Q. Do you know of your own knowledge for whom Thomas Jefferson voted at the last general election?—A. He said he voted the Chamberlain ticket through.

Q. Do you know of your own knowledge for whom Evans Thomas voted?—A. He said he voted the Chamberlain ticket through.

her
PHILLIS + PARNELL.
mark.

Sworn to and subscribed before me this 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Theodore J. Cannon.

THEODORE J. CANNON, being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. Yes, sir; born and raised here.

Q. Where were you at the last general election, and in what capacity were you acting?—A. I was at Effingham, in Darlington County, and manager of election at that poll.

Q. How many colored men on that occasion voted the Green and Lee ticket?—A. There was but one, Dublin Pigatt.

Q. Do you know Charles McPherson?—A. I know one Charles McPherson, teaching school near Effingham precinct.

(The foregoing testimony and the further examination of this witness is objected to by the contestee, because his name does not appear in the notices served on him.)

Q. Do you know any other Charles McPherson in Darlington County?—A. I do not.

Q. Did he vote on that occasion, and, if so, what ticket did he vote?—A. He did; he voted the Chamberlain ticket.

Q. Did he vote a ticket similar to that? [Ticket marked "Exhibit A" being shown witness.]—A. He did.

Q. Do you know Bethel Williamson, and did he vote at Effingham precinct?—A. I do. He voted at Effingham, and his vote was challenged by me; I was overruled by the managers, and he was allowed to vote. I challenged him on the ground that he had not been in the State to my knowledge a sufficient time.

Q. Did he vote a ticket similar to that? [Ticket marked "Exhibit A" being shown witness.]—A. He did; I handed him the ticket.

Q. Do you know Andrew J. McGee?—A. There was an Andrew McGee whose vote was challenged on the ground of non-residence, but was allowed to vote.

Q. Did he vote that ticket? [Ticket marked "Exhibit A" being shown witness.]—A. He did; I handed him the ticket.

(Contestee objects to this testimony on the ground that the poll-list is the best evidence.)

Cross-examined :

Q. Are you willing to swear to-day what name for Congress was on the ticket voted by Charles McPherson?—A. I am. He took the ticket bearing the name of Joseph H. Rainey from the table and voted it in my presence.

Q. Do you know, of your own knowledge, whether Bethel Williamson was a qualified voter or not?—A. I do not. I challenged his vote, but he was allowed to vote.

Q. By whom was Andrew McGee allowed to vote?—A. By the managers, he swearing that he was qualified.

Q. How many Chamberlain men were on the board of managers?—A. One—Frank Dickson, a very good man. The clerk was a Chamberlain man; his name was Charles McPherson, the man above referred to, and was appointed by the board of managers.

Redirect examination :

Q. You state that Dublin Pigott was the only colored man who voted the Green and Lee ticket at Effingham precinct?—A. He was.

Q. You objected to these parties voting on account of what you had heard and not what you knew?—A. Yes, sir.

T. J. CANNON.

Sworn to and subscribed before me on this 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of John L. Barden

JOHN L. BARDEN, being called as a witness on the part of the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. Yes, sir.

Q. Were you at Effington precinct, in Darlington County, any part of the day of the last general election?—A. I was there in the afternoon, between three and four o'clock p. m. I came from my work there.

Q. Did you see Charles McPherson vote?—A. I did, sir.

Q. Did he vote a ticket similar to that? [The witness was shown the ticket marked "Exhibit A."]

(Objection was made on the ground that the record was the best evidence.)

A. He did, sir.

Q. Do you know Bethel Williamson and Andrew J. McGee?—A. I do, sir.

Q. Are they the same parties referred to by Colonel Cannon in his testimony?—A. They are.

Q. How long had they been in the State at the last general election?—A. Andrew McGee arrived about the last of January, 1874, and Bethel Williamson the latter part of February, 1874, from North Carolina—their names appearing on my books at the times above mentioned, when I paid the freight on their baggage, &c., from North Carolina.

(Testimony objected to, the books referred to by witness being best evidence.)

Q. Are you engaged in the turpentine business?—A. I am.

Q. Did you and your partner employ these parties in North Carolina to work at that business?—A. We did.

Q. From what point did you pay the freight on their baggage?—A. From Wilmington, N. C., and Fair Bluff, N. C.

Q. Do you know whether or not either of these parties have families in North Carolina?—A. I know that Bethel Williamson has, for I have seen his wife and children in North Carolina, and Andrew McGee has employed me to write letters to his wife at Warsaw, N. C.

Q. Do you know Kenyon Solis and Bryant Farrior?—A. I do.

Q. Did they come from North Carolina about the same time?—A. Solis came about the middle of January, and Farrior the last of January, 1874.

Q. Do you know whether or not they voted at the last general election?—A. I do not; they came to Florence.

Cross-examined:

Q. How do you fix the date of the arrival of Kenyon Solis and Bryant Farrior?—A. I fix the arrival by their application for subsistence and employment, from my entries on my books.

Q. Have you the book with you?—A. No, sir.

Q. Why did you not tell these parties they did not have the right to vote?—A. I did tell them. I esteemed it my duty so to do.

Redirect examination:

Q. Were you present at the polls when these parties from North Carolina voted?—A. I was not.

Q. You then had no opportunity of objecting to their votes?—A. I did not. I saw their names on the poll-lists after I arrived there.
(Objected to, as the poll-list was the best evidence.)

JOHN S. BARDEN.

Sworn to and subscribed before me on this 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of George Pigott.

GEORGE PIGOTT, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. I am.

Q. Where were you on the day of the last general election?—A. At Effingham, in Darlington County.

Q. Do you know Charles McPherson?—A. I know one Charles McPherson.

Q. Is he a school-teacher at Effingham, and the one who formerly belonged to the Janots?—A. He is a school-teacher near Effingham, and he said that he formerly belonged to the Janots.

(Last portion of the answer objected to as hearsay.)

Q. Did you see him vote on that occasion?—A. No, sir; I did not see him vote.

Q. Do you know Bethel Williamson; and, if so, did you see him vote on that occasion?—A. I know him, but I did not see him vote; I only heard him say he had voted the Chamberlain ticket.

(Objected to as hearsay.)

Q. Did you on that day see Kenyon Solis and Bryant Farrior?—A. I saw them on that day, but did not see them at the polls.

Q. Did they state to you where they intended to vote, and for whom?—A. They told me they were coming to Florence to vote, but did not say for whom.

(Objected to as hearsay.)

GEORGE PIGOTT.

Sworn to and subscribed before me on this the 30th day of March, A. D. 1876.

WM. J. SAUNDERS,
Notary Public.

Deposition of Robert Burnet.

ROBERT BURNET, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Where did you live at the time of the last general election, and where do you now live?—Answer. I was living in Marion County, and live there now.

Q. Did you vote, and, if so, where did you vote?—A. Yes, sir. I voted here in Florence.

Q. Who came with you from Marion County here?—A. I came with my brother, Charles Burnet, and Henry Henagan.

Q. Was Sidney Raiford and Joe Washington here that day from Marion County?—A. I don't know.

Q. Did they vote here on that occasion?—A. I don't know.

Q. You know very well that Charles Burnet and Henry Henagan didn't vote here, don't you?

(Objected to as a leading question.)

A. I could not tell that, as I do not know what they did after they got here.

Q. They didn't tell you they were going to vote, did they?—A. No, sir.

Q. Did you vote for Mr. Chamberlain here for governor?—A. I don't know who I voted for.

Q. Did you vote for Mr. Pressley or Mr. Whittemore?—A. I don't know.

(It is respectfully submitted by the contestee that the witness's ballot is sacred unless he sees proper to disclose it.)

Q. You didn't vote a ticket like that, did you?

(Witness shown ticket marked "Exhibit A.")

A. I don't know; it was folded up when I voted it.

Q. Who gave you that ticket?—A. I don't know; a black man gave it to me, but I didn't know him.

Q. Are you a democrat or a republican?—A. I am a republican.

Q. Have you always voted the republican ticket?

(Question objected to as irrelevant.)

A. I don't know the republican ticket.

Cross-examined :

Q. Have you always voted in Darlington County?—A. Yes, sir, since I have voted. I had registered here.

Q. Do you live near the Darlington line?—A. Pretty close, sir.

Q. Do you claim that you have the right to vote in Darlington County?—A. Yes, sir.

Redirect examination :

Q. How many times have you ever voted?—A. Have only voted once.

Q. When were you registered here?—A. I don't know.

Q. When did you ever before vote in Darlington County?—A. Year before last, if I am not mistaken.

his
ROBERT + BURNET.
mark.

Sworn to and subscribed before me on this the 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of C. E. McPherson.

C. E. MCPHERSON, being called as a witness for the contestant, after being sworn, testified as follows, to wit :

Question. Do you know Robert Burnet, Sidney Raiford, Joe Washington, Henry Henagan, and Charles Burnet, and where they lived at the time of the last general election?—Answer. Charles Burnet, Robert Burnet, Henry Henagan, and Washington Joseph lived on Mr. Crawford's place in Marion County. Sidney Raiford lived on my place in same county.

Q. Do you know whether or not they came to Florence at the time of the last general election?—A. They passed my house coming this way.

Q. Were these parties mentioned by you partisans of the Chamberlain ticket?

(Question objected to as calling for the opinion of the witness.)

A. They said they were Chamberlain men, and intended to vote that ticket; but I did not see them vote that ticket.

(Answer objected to as hearsay.)

Cross-examined:

Q. How near do you live to the Darlington line?—A. About 300 yards.

C. E. McPHERSON.

Sworn to and subscribed before me this 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Dr. James Janot.

Dr. JAMES JANOT, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of this county?—Answer. I am.

Q. Do you know Charles McPherson?—A. I do.

Q. Did you hear Colonel Cannon's and Mr. Barden's testimony; and, if so, was that the Charles McPherson referred to?—A. I did, sir; and from his teaching school in that direction I think it was the same person. I know that he was and is teaching school.

Q. How old was he at the time of the last general election?—A. He was born some time between the years 1856 and 1859.

Cross-examined:

Q. Are you positive, doctor, that he was born in one of those years?—A. I only judge from circumstances; but to the best of my belief it was between the years 1856 and 1859.

Q. Is there any fact to fix the time of his birth in your mind?—A. I don't know the day or year of his birth. I can come within three or four years of the year.

Redirect examination:

Q. Do you know that he was not born in 1856?—A. It could not have been before 1856. I know it was not before that year.

Q. Did Charles McPherson belong to your father?

(Objected to as not in reply.)

A. He did.

Recross-examination:

Q. Is your memory good?—A. No, sir.

(Question objected to, as the cross-examination was already closed.)

J. B. JANOT.

Sworn to and subscribed before me this 30th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of C. E. Janot.

C. E. JANOT, being called as a witness for the contestant, after being sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. Yes, sir.

Q. Do you know Charles McPherson?—A. Yes, sir.

Q. Is he the same party who once belonged to your father, and who has taught school at Effingham in this county?—A. Yes, sir; I heard that he was teaching school at Effingham.

Q. How old is Charles McPherson?—A. He was born between the years 1857 and 1858, as near as I can date it from circumstances.

Q. Do you know that he was not born before 1856?—A. Yes, sir; I am certain he was not born before 1856.

(Objected to, as a leading question.)

Q. Do you know Boyd Glasgow?—A. Yes, sir.

Q. Was he twenty-one at the time of the last general election?—A.. In my opinion he was not; he has changed his name; he was formerly known as Boyd Brunson; if he is the party I have reference to, he is very young; was born during the war, I think.

Q. Is he younger or older than Charles McPherson?—A. He is younger.

Q. Did he formerly belong to your father?—A. Yes, sir.

Cross-examined:

Q. Your testimony as to the ages of these parties is delivered from memory?—A. Yes, sir. In regard to Charles McPherson, circumstances attending his birth were impressed upon my mind, and I will detail them if necessary.

Q. Do you claim to be absolutely certain as to the dates and events stated by you?—A. No, sir.

Q. You never made a memorandum or record of them?—A. No, sir.

Redirect examination:

Q. Are you satisfied that Charles McPherson was born between the periods mentioned by you, to wit, between the periods 1856 and 1858?—A. I am.

(Objected to as a leading question.)

C. E. JANOT.

Sworn to and subscribed before me on this the 31st day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of James Allen.

JAMES ALLEN, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of this county?—Answer. I am.

Q. Where were you on the day of the last general election, and in what capacity were you acting?—A. I was in Florence, and acting as one of the managers of election.

Q. How were the voters of this county divided in regard to the Chamberlain and Rainey and Green and Lee tickets?—A. The Cham-

berlain and Rainey tickets I regarded as being considerably in the majority. The Chamberlain and Rainey ticket was supported mainly by the colored voters, and the Green and Lee ticket mostly by the whites.

(Question and answer objected to as irrelevant.)

Q. Are those the tickets referred to by you? [Witness shown the tickets marked Exhibit "A" and "B" and "C."]—A. Yes, sir.

Q. Were there any colored people who supported the Green and Lee ticket?—A. There were a few; but when any colored man went up to vote the Green and Lee ticket, a demonstration was made about his voting the Green and Lee ticket, by words or actions, by the Chamberlain and Rainey adherents.

Cross-examined:

Q. Was anybody prohibited from voting the Green and Lee ticket?—A. I don't remember that anyone was prohibited.

Q. Was not the majority in this county large for Chamberlain and Rainey?—A. I regarded it as considerably in the majority among the colored people.

Q. Are not the colored people largely in the majority in this county?—A. They are.

Q. Was not the issue in the last general election mainly between the candidates on the respective tickets for governor?—A. I so regarded it.

Q. Was Lee long and generally known as a candidate for Congress?—A. It was generally known, but I couldn't say about the length of time.

Q. Was he the nominee of the white conservatives?—A. I so regarded him.

Q. Where and when was he nominated?—A. I don't recollect.

JAMES ALLEN.

Sworn to and subscribed before me on this the 31st day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Sidney Raiford.

SIDNEY RAIFORD, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Where did you live at the time of the last general election?—Answer. I lived in Marion County.

Q. Where did you vote on that day?—A. I voted in Florence, Darlington County.

Q. Who came to the polls with you from Marion County?—A. I came with Sam Pugh, the man I voted with.

Q. Didn't Joe Washington, Henry Henagan, and Charles Burnet come with you?

(Objected to as leading.)

A. They came ahead of me.

Q. Did they live in Marion County at that time?

(Objected to as leading question.)

A. They did at that time.

Q. Did they vote here, and did they vote the same ticket with you?—A. Yes, sir; they voted before I came—so they told me.

(Objected to as hearsay.)

Q. Are you a republican?—A. Yes, sir.

Q. Did you vote the regular republican ticket at the last general election?—A. I never looked at it; the man who gave it to me said it was.

Q. Did you intend to vote the regular republican ticket?—A. Yes, sir. (Objected to as a leading question.)

Q. Were Joe Washington, Henry Henagan, and Charles Burnet regular republicans also?—A. Yes, sir.

Cross-examined :

Q. Have you always voted in Darlington County?—A. Yes, sir; since I've been old enough.

Q. Don't you think you had a right to vote in Darlington County?—A. Yes, sir; I registered here.

Q. You consider yourself, then, a citizen of this county?—A. Yes, sir.

Q. Has your vote ever been challenged?—A. No, sir.

Q. Did you live near this place at the time of last general election?—A. Yes, sir; I lived five miles from here.

Q. Do you know the line between Darlington and Marion Counties?—A. Yes, sir.

Q. Don't you live near the line?—A. I live about 100 yards from the line, in Marion County.

Q. Did you vote for Lee or Rainey for Congress?—A. I don't know who I voted for.

Q. Do you know who Sam Pugh voted for for Congress?—A. No, sir.

Q. Do you know who any of the parties named by you voted for for Congress?—A. No, sir; I didn't see their tickets.

Q. Did any of them tell you who they voted for for Congress?—A. No, sir.

Q. Did anybody see your ticket?—A. No, sir; I was in a hurry, and put it in the box folded.

Redirect examination :

Q. Are you and the rest of the parties mentioned by you colored men?—A. Yes, sir.

Q. Did you intend to vote the ticket with Mr. Whittemore's name on it for senator?—A. I don't know, sir; never heard their names called.

Q. Have you a family?—A. Yes, sir.

Q. Where were they living at the time of the last general election?—A. In Marion County.

(Objected to as not in reply to cross-examination.)

his
SIDNEY + RAIFORD.
mark.

Sworn to and subscribed before me on this the 31st day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Henry Henagan.

HENRY HENAGAN, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit :

Question. Where did you live at the time of the last general election?—Answer. In Marion County.

Q. Where did you vote?—A. At Florence, in Darlington County.

Q. Who came to the polls with you?—A. Charles Burnet.

Q. Where did he live?—A. In Marion County.

Q. Did he vote here also?—A. He told me that he voted, but I didn't see him.

Q. What ticket did you vote?—A. I don't know; it was folded when it was handed to me.

Q. Did you intend to vote the regular republican ticket?—A. I did.

Q. Who gave you that ticket?—A. A colored man, who said it was the regular republican ticket.

(Objected to as hearsay.)

Q. Did you have a family at that time; and, if so, where were they living?—A. Yes; in Marion County.

Cross-examined:

Q. Do you know who you voted for for Congress?—A. No, sir.

Q. Do you know who Charles Burnet voted for for Congress?—A. No, sir; didn't tell me.

Q. Have you always voted in Darlington County?—A. Yes; I registered here.

Q. Do you live near the line?—A. Yes, sir; about 200 or 300 yards in Union County.

Q. Is any portion of the plantation on which you live in Darlington County?—A. No, sir.

Q. Do you know that of your own knowledge?—A. They told me so.

Q. What plantation do you live on?—A. On Mr. Crawford's place.

Redirect examination:

Q. When did you register in Darlington County?—A. First time I ever voted.

Q. Were you living in Darlington County at that time?—A. Yes, sir.

Q. Did you intend to vote for the nominees of the regular republican ticket?—A. Yes, sir.

Recross-examination:

Q. Do you know who you voted for for Congress?—A. No, sir.

his
HENRY + HENAGAN.
mark.

Sworn to and subscribed before me on this 31st day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Charles Burnet.

CHARLES BURNET, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Where did you live at the time of the last general election?—Answer. In Marion County.

Q. Have you a family, and did they live in that county with you?—A. Yes, sir.

Q. Did you vote at the last general election, and, if so, where?—A. I did. I voted here in Florence, Darlington County.

Q. Do you know what ticket you voted?—A. No, sir.

Q. Are you a republican, and did you intend to vote the regular republican ticket?—A. Yes; I am a republican, and intended to vote the regular republican ticket.

Q. Who gave you your ticket?—A. A colored man, but don't know who he was.

Q. Do you know Joe Washington, Henry Henagan, Robert Burnet, and Sidney Raiford, and where did they live at that time?—A. I know them; they lived in Marion County.

Cross-examined:

Q. Who did you vote for for Congress?—A. I don't know.

Q. Have you always voted in Darlington County, and did you register here, and do you consider yourself a citizen of this county?—A. Yes, sir.

Q. Has any one disputed your citizenship in Darlington County?—A. No, sir.

Q. Do you live near the Darlington line?—A. Yes; pretty close to the line.

Redirect examination:

Q. When did you register in Darlington?—A. The first time I voted.

Q. Where were you living at that time?—A. In Darlington County.

CHARLES ^{his} + BURNET.
mark.

Sworn to and subscribed before me on this the 31st day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Joseph Washington.

JOSEPH WASHINGTON, being called as a witness for the contestant, was duly sworn, and testified as follows, to wit:

Question. Where were you living at the time of the last general election?—Answer. In Marion County.

Q. Was your family living in Marion at the same time?—A. Yes, sir.

Q. Did you vote at the last general election, and, if so, where?—A. I voted here in Florence, Darlington County.

Q. Do you know what ticket you voted?—A. No, sir.

Q. Did you vote the regular republican ticket?—A. Yes, sir.

Cross-examined:

Q. Who did you vote for for Congress?—A. I don't know, sir.

Q. How near the Darlington line do you live?—A. As near as I come at it, about two hundred or three hundred yards.

Q. Did you register in Darlington County, and have you always voted here?—A. I always voted here; I registered here.

Q. Are you a farm-laborer, and have you worked in Darlington County, as well as in Marion?—A. Yes, sir.

Q. Are Robert Burnet, Sidney Raiford, Henry Henagan, and Charles Burnet farm laborers, and have they worked in Darlington County?—A. Yes, sir.

Q. You work when you are hired to work?—A. Yes, sir. Am now working on rented land.

Q. Are you working from place to place?—A. I am working on one place. Have been there three years, as near as I can come at it.

Redirect examination :

Q. When did you register in Darlington, and where were you living at that time ?—A. I registered the first time I ever voted, and was then living in Darlington County.

Q. When you voted at the last general election, did you intend to vote for the nominees of the regular republican ticket ?—A. Yes, sir.

Recross-examination :

Q. Do you know the meaning of the word “nominee ?”—A. No, sir.

Redirect to the recross-examination :

Q. Did you intend to vote for the parties whose names were on the regular republican ticket ?—A. Yes, sir.

his
JOSEPH + WASHINGTON.
mark.

Sworn to and subscribed before me this 31st day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. James DuBose.]

W. JAMES DUBOSE, being called as a witness for the contestant, and being duly sworn, testified as follows, to wit :

Question. Are you a citizen of Darlington County ?—Answer. I am.

Q. Do you know Boyd Glasgow ?—A. I do.

Q. Did he vote at Florence at the last general election ?—A. He did.

(Question and answer objected to, as the poll-list is the best evidence.)

Q. Did he vote a ticket similar to that ? (Ticket marked “Exhibit A” was shown witness.)—A. He did, sir.

Q. That is the regular republican ticket for Darlington County ?—A. I think it is, sir.

Q. Do you know Albert White ?—A. I do, sir.

Q. Was he an active supporter of the Chamberlain and Rainey party at the last general election ?—A. He was.

(Objected to as giving opinion of the witness.)

Q. From your knowledge of his politics, whom would you say he voted for at the last general election for Congress ?—A. If he voted at all he voted for Mr. Rainey, judging from the active part he took in the canvass.

Q. Do you know any other Albert White in Darlington County ?—A. No, sir.

Q. Did you see Albert White at the polls on that day ?—A. Yes, sir.

Q. Were there many colored men who voted the Green and Lee ticket ?—A. Very few, sir.

Q. Were the few mentioned by you threatened and abused for voting the Green and Lee ticket by the colored people ?—A. Yes, sir ; I was myself cursed and abused for doing so.

Cross-examination :

Q. Did you see the ticket that Boyd Glasgow voted ?—A. Yes, sir ; I saw enough of it to see that blue eagle on it.

Q. Did you see on the one he had in his hand the name of Joseph H. Rainey ?—A. I did not, but I saw it on similar tickets.

Q. Did you see any names on it?—A. No, sir; not on the one he had in his hand.

Q. Are you well acquainted in this county?—A. Tolerably well, sir.

Q. Is there another Albert White in this county?—A. No, sir; not that I know of.

Q. Were you not a warm supporter of Lee in that campaign?—A. I was of the whole ticket.

Q. Were you not very active on the day of election?—A. Tolerably so, sir.

Q. Did you not distribute Green and Lee tickets on that day?—A. I did.

Q. Haven't you taken an active part in this contest?—A. No, sir; I have not.

Q. Haven't you subpoenaed the witnesses in this contest?—A. I went to-day by special request.

Q. Do you know of any one who was prevented from voting for Lee on the day of election?—A. No, sir.

Redirect examination :

Q. Do you know of any party who was assaulted and beaten on that occasion for voting the Green and Lee ticket?—A. Yes, sir; Frederick Sumter; but by whom I don't know; I only know it was on account of voting the Green and Lee ticket.

Recross-examination :

Q. Were you present when Fred. Sumter was beaten?—A. No, sir; I was not; but I saw when they had to bind up his head.

Q. Do you know of your own knowledge why he was assaulted?—A. Because of his politics.

Q. Was he in liquor at the time?—A. I don't know that he was.

Q. Did you see any part of the affray, or hear anything that was said during it?—A. I did not.

W. J. DUBOSE.

Sworn to and subscribed before me this the 31st day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of William McKenzie.

WILLIAM MCKENZIE, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. Yes.

Q. Do you know Archie Thompson and Jerry Ashly?—A. Yes; I know them both.

Q. Were they citizens of the State at the last general election in 1874?—A. No; neither one of them.

Q. How did you know they were not citizens of South Carolina?—A. Because I knew and saw them in North Carolina before they came here.

Q. Had they families in North Carolina?—A. Yes, they had families; they moved their wives here when they came, and moved them off when they left.

Q. How long were they here before the election?—A. Not over two weeks.

Q. Did they come directly from North Carolina to your place?—A. I suppose they did; they were two or three days on the road.

Q. Did they go back to North Carolina after the election?—A. They went back to their families; they never worked a day with me after the election.

Q. Do you know whether they voted?—A. They voted at Florence after I notified the managers not to allow them to vote. I know they voted, for I saw their names on the poll-lists the day that I came to vote myself. I did not see them vote.

Q. Did they leave your place for the purpose of coming here to vote?—A. I can't tell.

Q. Are there any circumstances by which you would know to which party these men belonged?—A. Yes; I heard them express themselves as belonging to the republican party.

Q. From your acquaintance with these parties and their color, can you form any idea how they voted?—A. My opinion is that they voted for the regular nominees of the republican party.

(Objection to question, as calling for the opinion of the witness.)

Q. Have you been doing business in Darlington County for some time?—A. Yes; have been living here since the spring of 1872.

Q. Did you see these parties on the day of the election?—A. Yes; I saw Ashly as I left home and asked him if he had been to vote. He said, I don't know. So that I asked for their names when I came to vote myself and found them on the poll-lists.

Q. Do you know of any other colored men in this county by the names of Archie Thompson and Jerry Ashly?—A. No, sir.

Cross-examined:

Q. Do you know who those parties voted for for Congress?—A. No, sir.

Q. Do you know only from seeing their names on the poll-lists that they did vote?—A. I questioned Ashly when he came, and told him that I would prosecute him if he did vote.

Q. Did you send to North Carolina for these parties?—A. Only for Ashly; my brother brought him here.

Q. When did your brother bring Ashly?—A. Early in the spring of '69 or '70.

Q. When did the other party come?—A. Some time in the same year.

Redirect examination:

Q. How long did those parties remain in South Carolina when they first came here before they returned to North Carolina to their families?—A. I think in the spring of 1873. They removed with their families to North Carolina in the spring of 1873.

Recross-examination:

Q. Can you fix the date exactly when they returned to North Carolina?—A. I cannot.

WM. McKENZIE.

Sworn to and subscribed before me on this the 31st day of March, 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. James DuBose.

WILLIAM JAMES DUBOSE, a witness for the contestant, was here recalled, and questioned by the notary as to interference with him in the service of subpoena upon Sidney Raiford, Henry Henagan, and Joseph Washington, and Charles Bennet.

Question. You were acting as constable in serving notice upon the parties named above. State what interference, if any, occurred.

(Objected to the examination of witness upon this point as being irrelevant to the question at issue.)

Answer. Upon my arrival with witnesses at this point, a young man by the name of Alfred White beckoned to them to stop. I did not do so, but came on to the office, and, calling Mr. Lee, informed him of the fact that his witnesses had arrived, and, that this young man was tampering with them down stairs. Alfred White met me, and asked if I had reported him as tampering with the witness. I told him I had; he then said I was a liar.

Q. Did he otherwise abuse and threaten you?

(Question asked by contestant.)

A. He did.

Q. Do you know of your own knowledge that the said Albert White is one of a gang of Mr. Rainey's supporters here, who have been tampering with witnesses during this investigation?—A. I do.

Q. Was he not an active supporter of Mr. Rainey, and the man spoken of in your previous testimony?—A. He is.

Cross-examined by the contestee in person:

Q. Did you not serve those subpoenas on yesterday?—A. I did.

Q. Did any one interfere with you in serving those subpoenas?—A. No, sir.

Q. Did you not convey the witnesses here on yesterday?—A. Yes, all came.

Q. You saw them all examined here on yesterday?—A. I was present when they were all examined.

Q. Do you know Sidney Raiford?—A. Yes, sir.

Q. Did you not hear him state, in response to Mr. Livingston's question as to whether any one had spoken to him at the office-steps, that no one had?—A. I don't recollect.

Q. I ask you to state the name of a witness who has been tampered with.—A. I am unable to name any one, but it has been a general thing.

Q. Did you see or hear him tamper with any of the witnesses?—A. I did.

Q. When and whom?—A. It was his object yesterday.

Q. Had he ever done it on any other occasion?—A. When witnesses arrived he was about the first man to speak to them.

Q. Did you ever hear any of his conversation with them?—A. I never heard any conversation with them.

Q. Then of your own personal knowledge you have never heard the purport of the conversation to which you have referred?—A. No, sir.

W. J. DUBOSE.

Sworn to and subscribed before me on this the 1st day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of P. B. Stratton.

P. B. STRATTON, having been called as a witness for the contestant, after being sworn, testified as follows, to wit :

Question. Are you a citizen of Darlington County?—Answer. I am.

Q. Do you know Wellington Haller?—A. I do.

Q. Do you know where he lived at the time of the last general election?—A. To the best of my knowledge and belief he lived at Saint Stephens, where he now lives. He was on the material train of the Northeastern Railroad at the time of the general election.

Q. Have you had this man in your employ, and are you well acquainted with him?—A. I have, and am well acquainted with him.

Q. From your knowledge of the man, his color, and his politics, for whom would you say that he voted?

(Objected to as asking for opinion and hearsay.)

A. I would say the Chamberlain and Rainey ticket.

Q. Do you know where he voted?—A. I don't know.

Q. Do you know Albert White, of this place?—A. I do.

Q. Do you know his politics?—A. At the time of the general election he was a partisan of the Chamberlain and Rainey party.

Q. Did you take an active part on the day of the last general election, and, if so, for what ticket?—A. I did, for the Green and Lee ticket.

Q. Do you know the fact, of your own knowledge, that Albert White took an active part on the day of the last general election, and, if so, for what ticket?—A. He did, and for the Chamberlain and Rainey ticket.

Q. From your knowledge of the man, his color, and politics, and his action on that and previous occasions, how would you say that he voted?

(Question objected to as calling for the opinion of the witness and hearsay.)

A. If he voted at all, I would say that he voted the Chamberlain and Rainey ticket.

Q. Did you see him vote?—A. I did not see him vote, but I have seen the name of Albert White on the poll-lists.

(Contestee objects to the latter clause of this answer, as not responsive to the inquiry.)

Cross-examined :

Q. Do you know of your own knowledge whether Wellington Haller voted or not?—A. I do not.

Q. Do you know of your own knowledge whether Albert White voted or not?—A. I do not.

Q. Do you know that the name Albert White, seen on the paper purporting to be a poll-list, was the name of the identical Albert White to whom you refer?—A. I do not know that the name Albert White on the poll-list is the name of the Albert White to whom I refer.

Redirect examination :

Q. Are you well acquainted with the citizens around this Florence precinct?

(Objected to as irrelevant and not in reply.)

A. I am very well acquainted with them—have been following them up for the last ten years.

Q. Do you know any other colored man by the name of Albert White?—A. I do not.

P. B. STRATTON.

Sworn to and subscribed before me on this the 3d day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of L. W. Gadsden.

L. W. GADSDEN, (recalled.)

Question. Do you know Albert White?—Answer. I do.

Q. Do you know whether he voted at the last general election; and, if so, where?—A. He told me that he voted at Florence.

(The contestee objects to this and all other evidence which tends to prove that a person voted or for whom he voted, either by his own evidence or by declarations of his made to others, as offering more opportunity for fraud upon the ballot after an election is closed and declared than existed before the election was had.)

Q. Do you know for whom he voted for Congress?—A. He did not say.

Q. Do you know of your own knowledge what ticket he supported at the last general election?—A. He supported the Chamberlain and Rainey ticket.

Q. Was he or was he not a very active supporter of that side?—A. He was.

Q. From your knowledge of him, his color, his politics, and his action on that and previous occasions, for whom would you say that he voted for Congress?

(Objected to as calling for opinion and hearsay.)

A. For Jos. H. Rainey.

Cross-examined:

Q. What ticket did you support at the last general election?—A. I supported the Green and Lee ticket.

Q. Were you a candidate for any office on that ticket?—A. Yes, sir.

Q. Did you take an active interest in the support of that ticket?—A. Yes, sir.

Q. Did you distribute tickets on that day to voters?—A. I don't think I did. I am not certain.

Q. How many ignorant men did you get to vote the Green and Lee ticket under the impression that they were voting the Chamberlain and Rainey ticket?—A. None, sir. I never attempted it.

Q. For whom did you vote?—A. I voted the Green and Lee ticket.

Q. Then all colored men did not vote for Mr. Rainey?—A. All but a few, in my opinion.

L. W. GADSDEN.

Sworn to and subscribed before me on this the 3d day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Certificate of notary, No. 1.

STATE OF SOUTH CAROLINA,
Darlington County:

I, Wm. J. Saunders, notary public in and for the State aforesaid, do hereby certify that in pursuance of the notices duly given and served upon the contestee personally, one on the 27th day of March, A. D. 1876, and one on the 29th day of March, A. D. 1876, and another on the 31st day of March, A. D. 1876, in the case of Samuel Lee contesting the

seat of Joseph H. Rainey, returned member of the Forty-fourth Congress of the United States of America, from the first congressional district of South Carolina, the above testimony, consisting of — pages, was duly taken in behalf of said contestant, appearing by his counsel, Knox Livingston, esq., and the said contestee by E. Keith Dargan, esq., his attorney; that all the within-named witnesses were duly sworn by me, and testified before me as above written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them and each of them respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further testify that I have attached thereto Exhibits "Aa." I further certify that I have prefixed thereto the notice of contest, answer of the contestee, order of the Committee of Elections made in the above-entitled cause 28th of February, A. D. 1876, and attached notices aforesaid, with proof of service and subpoena writs.

In testimony whereof I have hereunto set my hand and official seal at Florence, in the county of Darlington, State of South Carolina, this 3d day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Certificate of notary, No. 2.

STATE OF SOUTH CAROLINA,
Darlington County :



I, William J. Saunders, notary public in and for the State aforesaid, do hereby certify that in pursuance of the notices duly given and served upon the contestee personally, one on the 27th day of March, A. D. 1876, and on the 29th day of March, A. D. 1876, and another on the 31st day of March, A. D. 1876, in the case of Samuel Lee contesting the seat of Joseph H. Rainey, returned member of the Forty-fourth Congress of the United States of America from the first congressional district of South Carolina, the above testimony, consisting of — pages, was duly taken in behalf of said contestant, appearing by his counsel, Knox Livingston, esq., and the said contestee by E. Keith Dargan, esq., his attorney; that all the within-named witnesses were duly sworn by me and testified before me as above written, which said testimony was written by me as deposed by said witnesses and subscribed to by them, and each of them respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further testify that I have attached thereto Exhibits A, B, C, D, and E. I further certify that I have prefixed thereto the notice of contest, answer of the contestee, and order of the Committee of Elections, made in the above-entitled cause 28th of February, A. D. 1876, and attached notices aforesaid, with proof of service, and the subpoena writs.

In testimony whereof I have hereunto set my hand and official seal at Florence, in the county of Darlington, State of South Carolina, this 3d day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Exhibit A.

UNION REPUBLICAN TICKET.

For governor.—Daniel H. Chamberlain.
For lieutenant-governor.—Richard H. Gleaves.
For Forty-fourth Congress, first district.—Joseph H. Rainey.
For state board equalization, first district.—B. D. Townsend.
For the State senate.—Benjamin F. Whittemore.
For house of representatives.—Samuel J. Keith, Jackson A. Smith, Richard H. Humbert, Alfred Rush.
For judge of probate.—Elihu C. Baker.
For school commissioner.—Joshua E. Wilson.
For county commissioners.—Theodore B. Gorden, Isaac P. Brockenton, Michael Welsh.

Exhibit B.

DARLINGTON COUNTY.

For governor.—John T. Green.
For lieutenant-governor.—Martin R. Delany.
For Congress.—Samuel Lee.
State board of equalization.—B. D. Townsend, of Darlington; W. B. Smith, of Charleston; W. D. Mars, of Abbeville; G. W. Melton, of Chester; S. J. Lee, of Aiken.
Senator.—L. W. Gadsden.
Representatives.—J. Boston, B. Watson, J. A. Williams, E. Johnson.
Judge of probate.—W. E. Charles.
School commissioner.—J. E. Wilson.
County commissioners.—E. Bell, J. Lusay, E. Palmer.

Constitutional amendment, Art. XVII—Yes.
 Constitutional amendment (relative to the election of comptroller-general and other officers)—Yes.
 Constitutional amendment (relative to the boundary-line of Pickens and Oconee Counties)—Yes.

Exhibit C.

DARLINGTON COUNTY.

For governor.—John T. Green.
For lieutenant-governor.—Martin R. Delany.
For Congress.—Samuel Lee.
State board of equalization.—B. D. Townsend, of Darlington; W. B. Smith, of Charleston; W. D. Mars, of Abbeville; G. W. Melton, of Chester; S. J. Lee, of Aiken.
Senator.—S. H. Pressley.
Representatives.—H. Williamson, B. Watson, L. W. Gadsden, E. Johnson.

Judge of probate.—W. E. Charles.

School commissioner.—John Winslow.

County commissioners.—J. Lindsey, B. S. Josey, Joseph Bacot.

Constitutional amendment, Art. XVII—Yes.

Constitutional amendment (relative to the election of comptroller general and other officers)—Yes.

Constitutional amendment (relative to the boundary-line of Pickens and Oconee Counties)—Yes.

Exhibit D.

Poll-list kept by the managers of elections of the Florence election precinct of the county of Darlington, of the State of South Carolina.

Names of voters.

WHITE.

- | | | |
|-------------------------|------------------------|------------------------|
| 1. Ellis, Thomas | 34. Green, E. B. | 67. Powers, E. B. |
| 2. Cox, Jno. J. | 35. Lewis, Wright | 68. Whittington, W. L. |
| 3. Hoffman, P. H. | 36. Howe, G. A. | 69. Bailey, German |
| 4. Nothcot, J. W. | 37. Jones, Wm. | 70. McWaring, D. M. |
| 5. Shepherd, W. H. | 38. Brown, W. D. | 71. Graham, Donald |
| 6. Snead, Jno. H. | 39. Steedman, A. H. | 72. Wingate, W. Z. |
| 7. Buckheat, G. F. | 40. Hunter, Sam'l | 73. Brunson, E. E. |
| 8. Hasband, J. R. | 41. Corrie, A. J. | 74. Zimmerman, W. E. |
| 9. King, J. H. S. | 42. Quirk, Wm. | 75. Burch, J. B. |
| 10. Hatch, Wm. | 43. Worrell, Jno. | 76. McCown, J. J. |
| 11. Leach, Jno. A. | 44. Worrell, James | 77. Bigham, J. S. |
| 12. Hatchel, R. H. | 45. Butler, B. G. | 78. Pettigrew, J. E. |
| 13. Thompson, A. W. | 46. Powers, F. J. | 79. Harrall, S. J. |
| 14. Graham, J. B. | 47. Jones, Jno. | 80. Harrall, J. A. |
| 15. Allen, James | 48. Harrall, J. E. | 81. Hemagan, A. B. |
| 16. Norris, W. J. | 49. McClendon, J. C. | 82. Burch, J. S. |
| 17. Lloyd, E. W. | 50. Morye, T. A. | 83. Nicker, W. R. |
| 18. Layton, Safety | 51. Gregg, S. A. | 84. McKensie, Wm. |
| 19. Dose, Alex. | 52. Wingate, J. E. | 85. Collier, E. H. |
| 20. Mortimer, J. | 53. Hunter, Jas. P. | 86. McSween, Jno. |
| 21. Deas, Wiley | 54. Doughety, R. T. | 87. Woodward, Peter |
| 22. Baruch, A. | 55. Webb, W. G. | 89. Bradham, J. A. |
| 23. Morris, Ira | 56. McColl, J. D. | 90. Schouboe, J. E. |
| 24. Pettigrew, James A. | 57. Gregg, T. E. | 91. Taylor, Alex. |
| 25. Waring, A. H. | 58. Hart, T. F. | 92. Beuse, W. A. |
| 26. Ashley, Thos. | 59. Howe, W. K. | 93. Wallace, T. S. |
| 27. Brunson, J. C. C. | 60. Williamson, T. W. | 94. Caraway, Andrew |
| 28. King, Jno. J. | 61. Clayton, W. F. | 95. McLaughlin, E. J. |
| 29. Brunson, P. A. | 62. Gilliard, T. S. | 96. Straus, A. A. |
| 30. Hunter, Henry | 63. Bailey, W. | 97. Jarriott, J. B. |
| 31. Blackwell, E. B. | 64. Williamson, S. T. | 98. Ide, J. E. |
| 32. Shepherd, George | 65. Jones, Isan | 99. McLaughlin, Jno. |
| 33. Morris, Money | 66. Whittington, B. H. | 100. Cameron, Jno. |

- | | | |
|-------------------------|---------------------------|-------------------------|
| 101. Langston, T. P. | 133. McSween, W. D. | 165. Campbell, Wm. |
| 102. Swails, W. T. | 134. McCown, J. N. | 166. Alford, W. C. |
| 103. Morrison, A. | 135. Cole, J. R. | 167. Miller, Dr. E. |
| 104. Jarriott, C. E. | 136. Schoube, F. L. | 168. Revels, Wm. |
| 105. Layton, A. V. | 137. Roumlet, U. C. | 169. Lewis, Reddin |
| 106. Pearsole, Jno. H. | 138. Burch, S. T. | 170. Brunson, W. A. |
| 107. Tedder, Blainey | 139. Chase, J. A. | 171. Creech, W. |
| 108. Tedder, Sam'l | 140. Tutts, T. L. | 172. Corley, H. S. |
| 109. Davis, George E. | 141. Robertson, S. A. | 173. Baskins, J. A. |
| 110. Dargan, W. A. | 142. Haynes, D. W. | 174. Nettels, J. D. |
| 111. Roger, Robert | 143. Norris, George | 175. McMillan, W. W. |
| 112. Roger, Jno. A. | 144. Buckheit, Phil., jr. | 176. Corbey, J. T. |
| 113. Stole, G. McD. | 145. McMellan, F. F. | 177. Mortimer, F. F. |
| 114. Brown, W. H. | 146. Maldron, R. J. | 178. Morris, W. B. |
| 115. Hamly, D. H. | 147. Saunders, J. F. | 179. Ulmo, H. A. |
| 116. Douglass, J. B. | 148. Sing, J. L. | 180. Pearsal, W. E. |
| 117. Stratton, T. B. | 149. Swails, M. E. | 181. Hearty, Isaac A. |
| 118. Coggshell, P. C. | 150. Hatchel, W. L. | 182. Frank, C. |
| 119. Hanley, M. | 151. Weatherford, C. K. | 183. Courtney, W. S. B. |
| 120. Cole, G. E. | 152. Webster, C. W. | 184. Phillips, C. |
| 121. Mellichaupe, H. E. | 153. Brunkley, Ashley | 185. Gamble, J. A. |
| 122. Lucas, Seniors | 154. Loyd, J. W. | 186. Waring, J. R. |
| 123. Law, J. A. | 155. Phillips, Nat. | 187. Bristow, C. D. |
| 124. Lucas, E. H. | 156. Cannon, W. H., jr. | 188. Gamble, J. W. |
| 125. Scott, Blaney | 157. Ward, Thomas | 189. Coggshall, A. C. |
| 126. Little, Wm. | 158. Wrenburg, A. | 190. Corrie, A. M. |
| 127. Hayes, Whitfield | 159. Newell, W. D. | 191. Meelchampe, S. H. |
| 128. Jones, T. W. | 160. Howell, G. W. | 192. Papenkrot, A. |
| 129. Rodgers, F. M. | 161. Childers, Henry | 193. Saunders, W. J. |
| 130. Sellers, G. D. | 162. McKensie, A. | 194. Brunson, J. H. |
| 131. Hinagham, R. T. | 163. McTaggart, Alex. | 195. Arrosmith, F. H. |
| 132. Phillips, M. A. | 164. Gilbert, H. M. | |

COLORED.

- | | | |
|----------------------|-----------------------|-------------------------|
| 1. Humbert, R. H. | 22. Myers, Joe | 43. James, Jack |
| 2. Walker, Hammond | 23. Kinney, Robt. | 44. Manderville, Jacob |
| 3. Dickson, Rich'd | 24. Dawit, Henry | 45. Richardson, Alex. |
| 4. Miller, Bubb | 25. Golden, Fred. | 46. Saunders, Arthur |
| 5. Puterson, Abraham | 26. Bailey, Isaiah | 47. Wilson, Major |
| 6. Jones, Evander | 27. Jackson, Isaac J. | 48. Manuel, Gaby |
| 7. Green, Wm. | 28. Brown, August | 49. Joy, George |
| 8. Green, Paris | 29. Gadsden, S. W. | 50. Cornnell, Daniel |
| 9. Wilson, Wm. | 30. Fludd, P. C. | 51. Profit, Dorrell |
| 10. Waits, Elijah | 31. Washington, H. H. | 52. Bright, Solomon |
| 11. Bremson, O. G. | 32. Hamilton, Toby | 53. Robertson, Wm. |
| 12. White, Albert + | 33. Keely, Frederick | 54. Johnston, George |
| 13. Myers, Solomon | 34. Bennett, Rufus | 55. Richardson, Adol |
| 14. Isaiah, Samuel | 35. Hooks, Jno. C. | 56. Williams, S. W. |
| 15. Deas, Wm. | 36. Robertson, Royal | 57. Williamson, David |
| 16. Myers, Isaiah | 37. Makepeace, Harris | 58. Washington, G. W. |
| 17. Brown, Henry | 38. Jones, James | 59. Richardson, Jno. J. |
| 18. Smart, Abe | 39. Middleton, Primus | 60. Booth, A. |
| 19. Edwards, Julius | 40. Gibson, Amos | 61. Lemons, Abner. |
| 20. Mayson, Washg'n | 41. Dargan, James | 62. Hamilton, James |
| 21. Williams, Ben. | 42. James, James | 63. Dudley, Wm. |

- | | | |
|------------------------|------------------------|------------------------|
| 64. Howe, Manson. | 121. Johnston, David | 177. Harrison, Jno. |
| 65. Watson, Richard | 122. Burnett, Jesser + | 178. Severson, Saul |
| 66. Hudson, Samuel | 123. Lyde, Asbury | 179. Anderson, Harri'n |
| 67. Green, Wm. | 124. Moses, Robert | 180. Smart, Maddison |
| 68. Goodson, Dorson | 125. Moses, Jack. | 181. James, Samson |
| 69. Flanders, Jno. | 126. Sandy, Amos | 182. Scott, Addison |
| 70. Evens, Sam. | 127. Colson, Jacob | 183. Carolina, Tinar |
| 71. Boyd, Glasgow+ | 128. Addison, Talley'd | 184. George, Julius |
| 72. Swnison, Thomas | 129. White, Peter | 185. Frazer, Robt. |
| 73. Hollaway, Wesley | 130. Williams, James | 186. Kelly, Simon |
| 74. Senior, Wm. | 131. Sandy, Amos | 187. Harry, May |
| 75. Rains, Cooper | 132. Robinson, Jack. | 188. Wm., Sam. |
| 76. Brockerton, A. | 133. Green, Stephen | 189. James, Phillip |
| 77. Saunders, George | 134. Kelly, Lewis | 190. Douglas, Dery |
| 78. Cherry, Irwin | 135. White, Andrew | 191. Jordon, Loudon |
| 79. Wilson, Sam. | 136. Tollson, Jno. | 192. Hunter, Daniel |
| 80. Adderson, Joseph | 137. Robertson, Henry | 193. Mack, Cye. |
| 81. McIver, Robt. | 138. Huger, Steven | 194. Hunter, Ned. |
| 82. Dargan, Jno. S. | 139. Robertson, Frank | 195. Thompson, Nat. |
| 83. Jefferson, Thos.+ | 140. Frank, Robert | 196. Alson, Zack. |
| 84. Saunders, James | 141. Robertson, Randal | 197. Park, Eranker |
| 85. Tenneson, Thos. | 142. Prince, Weston | 198. Jackson, Henry |
| 86. Durant, Colonel | 143. Askins, Richard | 199. Lawrence, Thomas |
| 87. King, Daniel | 144. Lamb, Ham | 200. Thompson, Sid. |
| 88. McPherson, E. J. | 145. Sellers, Ranson | 201. Wilson, Prince |
| 89. Jackson, Andrew | 146. Gill, Boston | 202. Brown, Charles |
| 90. Garner, Jno. | 147. Phillip, Samuel | 203. Murphy, Miles |
| 91. Richardson, Paul+ | 148. Prophet, J. D. | 204. Lewis, Isaiah |
| 92. White, Albert + | 149. James, Jackson | 205. Moses, Newton |
| 93. Harper, M. D. | 150. Washington, Toby | 206. Anderson, Friday |
| 94. Bowler, Robert | 151. Croswell, Jacob | 207. Johnston, Erauker |
| 95. Howard, George + | 152. Fenklin, David | 208. Jorden, Thomas |
| 97. Bristow, Joe. | 153. McRea, Chas. | 209. Cato, Jack. |
| 98. Levan, Joe. | 154. McNeal, Paul | 210. Hawkins, Tony |
| 99. Samson, Peter | 155. Dickson, Sam. | 211. Harrison, Lud. |
| 100. Parker, Jno. | 156. McCoy, January | 212. Williams, Peter |
| 101. Robertson, Alonzo | 157. Cato, Simms | 213. Ashley, Jerry + |
| 102. Jones, Darrell | 158. Harrison, Sipio | 214. James, Robert |
| 103. Burgess, Daniel | 159. Saunders, Anthony | 215. Jerry, James |
| 104. Williams, Cyrus | 160. Askins, Wiley | 216. Saunders, Santee |
| 105. Williams, Henry | 161. Hunter, Depford | 217. Cato, Jack jr. |
| 106. Cooper, Andrew | 162. Green, Joseph | 218. Cato, Abraham |
| 107. Cohen, Solomon | 163. Ellison, Wash. | 219. Johnston, Van B. |
| 108. Stevens, March | 164. Britt, Ben. | 220. Jackson, Frank |
| 109. Smalls, Harper | 165. Brunson, Moses | 221. William, Henry |
| 110. Johnson, Josephus | 166. Jinkins, Joseph | 222. Cato, Toby |
| 111. Moses, Ellison | 167. Bailey, Prince | 223. Toby Cato, jr. |
| 112. Robertson, Lee | 168. Simms, Salem | 224. James, Cornelius |
| 113. Wilson, George | 169. Dickson, Gabriel | 225. Kieth, Sidney |
| 114. Shy, Henry | 170. Bristow, Joseph | 226. Dent, Richard |
| 115. Haines, Monday | 171. Coggshehl, Ham. | 227. Thompson, Archy + |
| 116. Edwards, Henry | 172. Britt, Ephriam | 228. James, Peter |
| 117. Lee, Samuel | 173. Gurley, Sim.+ | 229. Simmis, Alfred |
| 118. Owens, Nelson | 174. Saunders, Zack. | 230. James, Julius |
| 119. Robertson, Bob. | 175. Wingate, Jack. | 231. Andrews, Phillip |
| 120. Jenkins, Lymus | 176. Small, King | 232. Wilson, Sipio |

- | | | |
|------------------------|---------------------------|-------------------------|
| 233. Pierce, Pinckney | 287. Munford, Jeff. | 343. Black, Richard |
| 234. Brouson, Horace | 288. Wilkinson, Jerry | 344. Henderson, Jas. |
| 235. Roland, H. | 289. Phillip, Zander | 345. Thomas, H. |
| 236. Nettles, Isaac | 290. Ham, Billy | 346. Samson, Alex. |
| 237. Giles, Marshall | 291. Timmons, Lyman | 347. McIver, Alonzo |
| 238. Mathias, Major | 292. Sanders, Jacob | 348. King, Phorah |
| 239. Askins, Harry | 293. Davis, Peter | 349. Phillip, Isaac |
| 240. Henry, Mors | 294. Jordon, William | 350. Muldron, Moses. |
| 241. Ellison, James | 295. Abraham, Mitchell | 351. Prince, Jerry |
| 242. Abraham, Virgil | 296. Peter, Moses Jas. | 352. Jackson, Robert |
| 243. Castle, Alfred | 297. Netel, Scott | 353. Munson, Paul |
| 244. Abraham, Simon | 298. Hubbard, Samuel | 354. Ryan, Hugh |
| 245. Tobias, Henry | 299. Gilbert, Sandy | 355. Adam, Ned |
| 246. Commodore, Rodg's | 300. Sellers, Wilson | 356. Moses, Burrell |
| 247. Hawkins, Anthy. | 301. Roberson, Moses | 357. Hines, Griffu |
| 248. Nelson, James | 302. Harrison, Anthony | 358. Rodgers, Anthony |
| 249. Jackson, Wesley | 303. Johnston, Samson | 359. Fayton, Isaam. |
| 250. Johnston, Cato | 304. Bell, Caesar | 360. Henderson, Geo. N. |
| 251. Peterson, Caton | 305. Jackson, Benj. | 361. Edwards, Dank |
| 252. Manuel, Wm. | 306. Nettel, Z. | 362. Robertson, Solomon |
| 253. Phillip, Adam | 307. Ashey, Phillip | 363. Randal, Jackson |
| 254. Williams, Mingo | 308. Ashley, Sandy | 364. Harry, John |
| 255. Madison, James | 309. McCants, Abrah'm | 365. Holmes, Marchus |
| 256. Johnston, Samuel | 310. Davis, Bob. | 366. Wright, Josh |
| 257. Wildes, Jefferson | 311. Isam, Isaiah | 367. Calis, Pbillip |
| 258. Jordon, Manuel | 312. Cherry, Lot | 368. Johnston, Augustus |
| 258. Jackson, Henry | 313. Sipio, Archey | 369. Davis, Jim |
| 259. Brown, Albert | 314. James, Samuel | 370. McElvine, Alex. |
| 260. Johnston, James | 315. Gea, Henry | 371. Scott, Geo. |
| 261. Alexander, London | 316. Boykin, Harrison | 372. Mason, James |
| 262. Peyton, Lasurus | 317. Purvis, Anderson | 373. Wilson, Derry |
| 263. Johnston, Julius | 318. Miller, Cross | 374. Johnston, Clayton |
| 264. Shadrack, Edmond | 319. James, Daniel | 375. Arthur, James |
| 265. Green, Henry | 320. Carolina, Kelly | 376. Taylor, Jno. |
| 266. Abraham, Chap. | 321. Lasarus, Eli | 377. White, Williams |
| 267. Sanders, Ned | 322. Rodgers, Alex. | 378. Cauley, Thomas |
| 268. Green, Francis | 323. James, George | 379. Richardson, Alfred |
| 269. Bockinton, Cato | 324. Split, George | 380. Wiggs, Calvin |
| 270. Joseph, Adrian | 325. Robertson, Bill | 381. McFarlane, Alfred |
| 271. Black, Henry | 326. Johnston, Jesse | 382. Moses, Wiley |
| 272. Henry, Absolom. | 327. Smith, Benj. | 383. Wright, Sipio |
| 273. Bryan, James | 328. William, Sipio | 384. Elis, Jessie |
| 274. Robertson, Alex. | 329. Hines, Abraham | 385. Chapman, Sharper |
| 275. Phillip, Daniel + | 330. Harper, Ransom | 386. Davis, Toney |
| 276. James, Isaac. | 331. Moses, Owen | 387. Calmer, Evander |
| 277. Hubbard, Jake. | 332. Davis, Beverly | 388. Johnston, Ephriam |
| 278. Thompson, Harry | 333. Joseph, Richard, Jr. | 389. Toby, Boston |
| 279. Gordon, Evander | 334. Jordon, 'Squire | 390. Fraser, Cavis |
| 280. Gregg, Thos. | 335. Thompson, John | 391. Benjamin, Isaac |
| 281. Robertson, Edw. | 336. Johnston, Piper | 392. Jenkins, Samuel |
| 282. Jordan, Nero | 337. Adams, Patrick | 393. Munford, Ben. |
| Shade, Peter | 338. Mumford, Virgil | 394. Lane, Isaac |
| 283. Mumford, Sheph'd | 339. Oapers, Jack | 395. Prince, Albert |
| 284. Daniel, Mars + | 340. Gilbert, Anthony | 396. Franklin, Peter |
| 285. Jordon, Mack | 341. Addison, Nap. | 397. Burley, James |
| 286. Myers, Alex. | 342. Anesworth, Cato | 398. Davis, William |

- | | | |
|--------------------------|-------------------------|--------------------------|
| 399. Jackson, Mingo | 455. Smith, Richard | 510. Wilson, Weston |
| 400. Woods, Charles | 456. Pauly, Alfred | 511. Aurora, Demps |
| 401. Cooper, Peter | 457. Pugh, Sam. | 512. Addison, Peter |
| 402. Sanders, Moses | 458. Preston, Perry | 513. Mullins, John |
| 403. Charles, Robert | 459. Duglas, Antron | 514. Fraser, Tom |
| 404. Gory, Jno. | 460. Durant, W. A. | 515. Burney, Charles |
| 405. Jackson, Balam | 461. Richard, James | 516. Daniel, Thos. |
| 406. Thomas, Pleasant | 462. Smith, Abraham | 517. Gary, Frank |
| 407. Ham, Carson + | 463. Thomas, Sumter | 518. Gregg, Prince |
| 408. Livingston, Wm. | 464. Milo, Commodore | 519. Grant, Mingo |
| 409. McBryde, Robt. | 465. Reed, Richard | 520. Jonas, Fraser |
| 410. Ham, Albert | 466. Smythe, Sam | 521. Peterson, Evan |
| 411. Lymus, Cæsar | 467. Jackson, Alfred | 522. Abraham, Weston |
| 412. Cate, Samuel | 468. Thompson, Peter | 523. Gory, Adonis |
| 413. Small, Charles + | 469. Dick, Cæsar | 524. Wilson, Primus |
| 414. Jenkins, Moses | 470. Green, Gadsen | 525. Washington, Geo. |
| 415. Jackson, Jack | 471. Raiford, Sidney + | 526. Andrew, Jackson |
| 416. Dels, Alfred | 472. Brown, George | 527. Scott, Alfred |
| 417. Milton, Asgil | 473. Richardson, Geo. + | 528. Branson, Britt |
| 418. Luke, Tobias | 474. Giles, Pierce | 529. Jefferson, Jno. J. |
| 419. Brockington, Mose | 475. Nowlain, Elijah | 530. Mack, Washington |
| 420. Davis, Albert | 476. Wilson, Wm. | 531. Nelson, Timothy |
| 421. Patterson, Ervin | 477. McIlvine, Alex. | 532. Richardson, -Benj. |
| 422. Anderson, Morris | 478. Burnett, Robt. + | 533. McIver, Horace |
| 423. Charles, P. W., Jr. | 479. Brown, Abraham | 534. Homagan, Henry |
| 424. Hicks, George | 480. Blackwell, Jno. | 535. Calhoun, Isaac |
| 425. Mericks, Jacob | 481. Gurley, Cato | 536. Richardson, Albert |
| 426. Kelly, Jonas | 482. James, Henry | 537. Edwards, January |
| 427. Tony, McRae | 483. Kennedy, Moses | 538. Robinson, Charles |
| 428. Blackwell, Josiah | 484. Jackson, Jno. | 539. Dudley, Cain |
| 429. Capers, Corkey | 485. Evans, Ben. | 540. Johnston, Dorsey |
| 430. Abraham, Tony | 486. Smart, Jerry | 541. Gibbs, Willis |
| 431. Harrison, Tony | Timmons, Henry | 542. Brown, William |
| 432. Muldrar, Sam | 487. Nettles, Pinckney | 543. Anderson, March |
| 433. Harrisson, Ely | 488. Wilson, Lisbon | 544. Jessie, Daniel |
| 434. Edwards, Jasper | 489. Jackson, Andrew | 545. Brown, Robert |
| 435. Green, Primus | 490. Colin, Thomas | 546. Copelough, Hubert |
| 436. Chanler, Com'dore | 491. Wilson, Washing'n | 547. Parker, Abraham |
| 437. Gibbs, Peter | 492. McCullough, Saul | 548. Richardson, Rich'd |
| 438. Jenkins, Sandy | 493. Swinton, Samuel | 549. Scott, Europe |
| 439. Hunter, Jno. | 494. Squire, Edmond | 550. Stevenson, Sutton + |
| 440. Elis, Savil | 495. Witherspoon, T. | 551. Cox, Moses |
| 441. Davis, Alfred | 496. Keith, Alonzo | 552. Jessie, Jessie |
| 442. Jessee, Mitchell | 497. Lee, Daniel | 553. Douglas, Henry + |
| 443. Robinson, Joe | 498. Wilson, Wil. | 554. Hodge, Morris |
| 444. Bennett, T. L. | 499. Bronson, Jacob | 555. Witfield, William |
| 445. Gurly, Commodore | 500. Johnson, Andrew | 556. Hickson, Hugh |
| 446. Williamson, Oliver | 501. Bryant, Jim | 557. Reid, Flander |
| 447. Brown, Willis | 502. McCown, Jonston | 558. Small, Randal |
| 448. Sanders, John | 503. James, Josiah | 559. Smith, Isaac |
| 449. Washington, Wm. | 504. Roberts, Ben. | 560. Stevenson, Henry + |
| 450. Wright, Carolina | 505. James, Levi | 561. Windham, Jessie + |
| 451. Ready, Rubin | 506. Gee, Emperor | 562. Johnston, Rubin |
| 452. Falls, Bryant | 507. Thomas, Tom + | 563. Mills, Jack |
| 453. Hendricks, Jack | 508. Gant, Hardtimes | 564. Scott, Richard |
| 454. Sevan, May | 509. McCall, Tom | 565. Mathews, Harry |

- | | | |
|-------------------------|------------------------|-------------------------|
| 566. Davis, Milton | 620. Timmons, Daniel | 675. Brockinton, Jno. |
| 567. Russell, Jessie | 621. Lane, Wesley | 676. James, Pompey |
| 568. Burnett, Theodore | 622. Richards, Phillip | 677. Britt, Smith + |
| 569. Martin, Henry | 623. Geddes, Ned | 678. Denton, Dock |
| 570. Thomas, Henry | Robertson, Lewis | 679. Mumford, Abram |
| 571. Gregg, Runsey | 624. Kelley, Jacob | 680. Purvis, Sharper |
| 572. Charles, Prince | 625. Lasurus, Ned | 681. Sumter, Henry |
| 573. Morgan, Monday | 626. Tersman, Carr | 682. McDonald, Meck |
| 574. Wingate, Albert | 627. Washington, Peter | 683. Ham, Burrell |
| 575. Durant, Tom | 628. Luke, Sandy | 684. McRound, Josh. |
| 576. Grant, Steven | 629. William, Jeremiah | 685. Alexander, Fred. |
| 577. Stevenson, Joe + | 630. Lewis, Will | 686. Jackson, James |
| 577. Thomas, Solomon | 631. Mitchell, James | 687. Graham, Robt. + |
| 578. Moses, David | 632. Hudgins, Allen | 688. Wallace, Wm. |
| 579. Burris, Martin | 633. Balam, Bob | 689. Hunter, Jas. |
| 580. Lainey, Isaac | 634. Henderson, Joiner | 690. Alston, Derry |
| 581. Norris, Peter | 635. Timmons, Stepney | 691. Brock, Ben. |
| 582. Capers, Hiram | 636. Thomas, Tom + | 692. Harlie, Wellington |
| 583. Anderson, J. H. D. | 637. James, Calvin | 693. Washington, Robt. |
| 584. Johnston, Aaron | 638. Brown, Chapman | 694. Williams, Tony |
| 585. Hines, J. J. | 639. Miles, Sidney | 695. McBride, Evander |
| 586. William, Cyrus | 640. Moses, Ben | 696. Mack, Wallace |
| 587. Jenkins, Pompey | 641. James, Thomas | 697. George, Flynn |
| 588. Phillip, David + | 642. Briggs, Osborne | 698. Williams, Antony |
| 589. Wise, Abner | 643. Macdonia, Sam. | 699. Antrun, Henry |
| 590. Scott, George | 644. Williams, Evans | 700. Thompson, Edw'd |
| 591. Kelly, Dublin | 645. Ferrier, Brigan + | 701. Deason, Mike + |
| 592. Morgan, Evans | 646. Richardson, Sam'l | 702. Nimrod, Tony |
| 593. James, Michael | 647. James, Arthur | 703. Harley, Jno. |
| 594. Holomen, Simms | 648. Dixon, Jacob | 704. Coto, Peter |
| 595. Richardson, Robt. | 649. Thaddeus, Wright | 705. Nettles, Wm. |
| 596. Simms, Alfred | 650. May, Moses | 706. Baisley, James |
| 597. Charles, Henry | 651. Mumford, James | 707. Nelson, Thomas |
| 598. Stevenson, Kilby | 652. Jackson, Albert | 708. Alexander, Fred. |
| 599. Jackson, Rafe | 653. Merrit, Wiley | 709. Swinton, Griffu |
| 600. Eckles, Isaac | 654. Pearsall, Isaac | 710. Myers, Walton |
| 601. Richardson, Wils'n | 655. Brown, Charles | 711. Paul, Julius |
| 602. Smith, Flandee | 656. Solace, Kinnion | 712. Merrick, Ransom |
| 603. Gurley, Calvin | 657. Reid, Ezekiel | 713. Harrison, Rufus |
| 604. Netles, London | 658. Quillan, Q. P. | 714. Richardson, Mad. |
| 605. McFarlane, J. | 659. Grant, Joseph | 715. Echols, Peter |
| 606. Shadrack, Wesley | 660. Planter, Phillip | 716. Thomas, Evander. |
| 607. Swinton, Madison | 661. Dickson, Henry | 717. Burnett, Andrew |
| 608. Ellison, John | 662. Lomax, Boykin | 718. McIlom, Peter |
| 609. White, Simon | 663. Sanders, Dick | 719. Johnson, Alex. |
| James, S. A. | 664. Thomas, Henry | 720. Gardner, Wm. |
| 610. King, Israel | 665. Gray, Joshua | 721. Ham, Jno. |
| 611. Thomas, Jack | 666. Steward, January | 722. Brown, Asgil |
| 612. Moses, Julius | 667. Robertson, Robt. | 723. Harrington, Jas. |
| 613. Richardson, Oscar | 668. Johnson, Harry | 724. Wilson, Absalom |
| 614. Robertson, Tom | 669. Owens, Lambert | 725. Johnson, Lewis |
| 615. Smalls, Napoleon | 670. Jackson, Frank | 726. Morrison, Chas. |
| 616. Briggs, Boston | 671. Copeland, B. L. | 727. Whittington, May |
| 617. Echels, Handy | 672. Swinton, Wm. | 728. Bradham, Isaac |
| 618. Purvis, Amos | 673. Scott, Frank | 729. White, Hercules |
| 619. Coker, George | 674. Brown, Robert | 730. Warley, Nelson |

- | | | |
|-------------------------|--------------------------|------------------------|
| 731. Walker, Reuben | 787. Comar, Richard | 844. Nowland, Jno. J. |
| 732. Sandy, Sampson | 788. Jackson, Mullin | 845. Kelly, Dan. |
| 733. Smart, Tony | 789. Gamble, Gadsden | 846. Robertson, James |
| 734. Washington, Jos. | 790. Essex, Chas. | 847. Watson, Solomon |
| 735. Shepherd, Wm. | 791. Chancellor, S. E. | 848. Emanuel, Julius |
| 736. Jordan, Josephus + | 792. Sumter, F. | 849. Reid, Robert |
| 737. Isaac, Jenkins | 793. Hines, Peter | 850. Anderson, Edward |
| 738. Williams, Ephrim | 794. Johnson, W. | 851. Glasgow, Jesse |
| 739. Pettigrew, Peter | 795. Brett, J. W. | 852. Gregg, Willis |
| 740. George, Wash'ton | 796. Brown, Chas. | 853. Woods, Sam. |
| 741. Echols, Handy | 797. McElwine, Sam'l | 854. Josey, Sandy |
| 742. Jackson, Jno. | 798. Irwin, Jarrott | 855. Hayessworth, S. |
| 743. Howe, Jno. | 799. Pompey, Sam. | 856. Muldron, Gethro |
| 744. Simons, Evans | 800. Copeland, H. M. | 857. Brockinton, Othro |
| 745. Saunders, J. Edod | 801. Stanly, H. M. | 858. Francis, H. L. |
| 746. Williams, Hamilton | 802. Frierson, Isaac | 859. Glasgow, Cornway |
| 747. Green, William | 803. Ewing, Richard | 860. Moses, Robert |
| 748. Wilds, Lawny | 804. Seabrook, Thomas | 861. McFadden, Ben. |
| 749. Hamilton, Samuel | 805. Johnson, Wilson | 862. Smith, Amos |
| 750. Wilds, Sharper | 806. Robertson, Edward | 863. Robertson, Andrew |
| 751. Harrison, Anthony | 808. McFarden, Joshua | 864. Brockinton, Phil. |
| 752. Copeland, Harry | 809. Williams, Jno. | 865. Black, Peter |
| 753. Peterson, Ephrim | 810. Green, Robert | 866. Scott, Metols |
| 754. Crawford, Jack | 811. Hammet, Jno. | 867. Green, James |
| 755. Simons, Chas. | 812. Hickson, Alex. | 868. George, Thos. |
| 756. Cannon, Isaiah | 813. Williams, Alfred | 869. Simons, Charles |
| 757. Evans, Handy | 814. Gee, Fred. | 870. Brown, Elias |
| 758. Hunter, Jack | 815. Cannon, Jos. | 871. Richardson, Elias |
| 759. Sampson, Steward | 816. Nettles, Thomas | 872. George, Franklin |
| 760. Alston, Sam. | 817. Charles, Wm. | 873. Wright, Handy |
| 761. August, Augustus | 818. Johnston, Jno. | 874. Fields, George |
| 762. Bristow, Geo. | 819. Kelly, Robert | 875. Moses, Handford |
| 763. Downs, Tony | 820. Dubose, W. J. | 876. Henderson, Kelly |
| 764. Jackson, Levan | 821. Richardson, Arch. | 877. Armstrong, Cyrus |
| 765. Thomas, Thomas + | 822. M'Cullo'h, Carolina | 878. Frink, Bonson |
| 766. Hicks, Demps | 823. Hickson, Ben. | 879. Wilson, J. E. |
| 767. McCombs, David | 824. James, Peter | 880. Hall, Andrew |
| 768. Washington, Jno. | 825. Evans, America | 881. Winslow, Jno. |
| 769. Manson, Abram | 826. Smoot, James | 883. Sleight, Ben. |
| 770. Pickett, Perry + | 827. Rodgers, Deck | 884. Prince, Tony |
| 771. Chadburn, Richard | 828. Baxter, F. L. | 885. Williams, Bell |
| 772. Blackwell, Julius | 829. Bird, Steven | 886. Simonds, Thos. |
| 773. Robertson, Abram | 830. Pittman, Wm. | 887. Rhodes, B. R. |
| 774. Cato, Newlas | 831. James, Ben. | 889. Phillips, Horace |
| 775. Richardson, Elias | 832. Crawford, E. L. | 890. Mitchell, James |
| 776. Smard, Isam | 833. Evans, Phillip | 891. Robertson, Adam |
| 777. Richardson, Borh'm | 834. Dan. Wilson | 892. Thiel, Thomas |
| 778. Squire, Wm. | 835. Mark Sweat | 893. Copeland, R. F. |
| 779. Johnson, Wm. | 836. Benjamin Black | 894. Henry, Wm. |
| 780. Armeil, Hall | 837. Nathan Erwin | 895. Gadsden, Jonah |
| 781. Scott, Wm. | 838. Aaron Ham | 896. Douglas, Edmond |
| 782. Saunders, Enoch | 839. Dargan, Douglas + | 898. Howe, Walter + |
| 783. Mullins, Daniel | 840. Burnett, J. B. | 899. Robertson, George |
| 784. Johnson, Jno. | 841. Moore, J. D. | 900. Richardson, B. |
| 785. Adams, Hemp | 842. Scott, J. F. | 901. McLendon, M. |
| 786. Lilly, Alex. | 843. Hines, Flander | 902. Hanks, D. J. |

- | | | |
|----------------------|------------------------|-----------------------|
| 904. Carter, Sam'l | 909. Washington, G. H. | 914. Weatherspoon, M. |
| 905. Phillips, Isom | 910. Hainsworth, Aug. | 915. Crawford, Sydney |
| 906. Edwards, David | 911. Johnson, Jno. | 916. Berry, Frank |
| 907. Harly, Thomas | 912. Brown, G. W. | 917. Peters, Wells |
| 908. Jackson, Andrew | 913. Von Shadruck | |

STATE OF SOUTH CAROLINA,

Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of the original poll-list now on file in this office.

Given under my hand and the seal of the State at Columbia, this 24th day of March, 1876, and in the 100th year of American Independence.

[SEAL.]

H. C. HAYNE,
Secretary of State. ●

Exhibit E.

EFFINGHAM, S. C., DARLINGTON COUNTY.

White.

1. Joseph Brown.
2. William H. Purvis.
3. William Ham.
4. J. C. Scurry.
5. T. L. Langston.
6. W. F. Timmons.
7. B. H. Langston.
8. J. F. McIlveen.
7. W. H. McIlveen.
9. J. L. Sansbury.
10. F. H. S. Kerby.
11. J. M. Kerby.
12. Wiley Hatchell.
13. R. N. Purvis.
14. John Langston.
15. R. E. Turner.
16. J. H. Blackweet.
17. W. W. Matthews.
18. J. D. Sansberry, sr.
19. W. L. Jones.
20. H. H. Horn.
21. S. R. Ham.
22. L. Kelly.
23. John H. Mott.
24. S. B. McBride.
25. J. J. L. McLaughlin.
26. D. W. Ham.
27. Henry Ham.
28. W. E. Barden.
29. M. R. Welsh.
30. Eli Welsh.

Colored.

31. John Hall.
32. Daniel Bardin.
33. Pharaoh Ecklo.
34. Rodger Williamson.
35. William Wideman.
36. G. N. Williams.
37. T. J. Williams.
38. Monroe Williams.
39. Andrew Cummins.
40. Calvin Hall.
41. Nelson Leggett.
42. Prausper Simon.
43. Ollin Bejs.
44. J. Jenkins.
45. Benjamin Evans.
46. Ephraim Lane.
47. Jerry Jackson.
48. Benjamin Barnes.
49. Dandy Bess.
50. Anthony Lawrence.
51. Jacob Frierson.
52. Frank Dickson.
53. Charles McPherson.
54. Jerry Simmons.
55. Simon Timmons.
56. Isaac Robinson.
57. Frank Stanford.
58. B. R. Robinson.
59. Bunn Sellers.
60. A. M. Smith.
61. Joe Kennedy.

White.

62. J. L. Barden.
63. W. B. Rodgers.
64. G. W. Revel.
65. W. B. Ivey.
66. T. J. Cannon.
67. J. J. Barden.
68. T. E. Rodgers.
69. J. W. Mann.
70. R. W. McLoud.
71. J. T. Harrall.
72. McNorton Cooke.
73. J. T. Rodgers.
74. James Irving.
75. Hugh Turner.
76. H. H. Hall.
77. J. R. Anderson.
78. Benjamin Rebel.
79. James M. Best.
80. A. T. McIlveen.
81. W. D. Purvis.
82. J. M. Thomas.
83. J. H. Hancock.
84. F. E. Oliver.
85. J. H. Blackwell.
86. J. W. Cuzack.
87. T. L. Jones.
88. A. M. Hill.
89. C. B. Mann.
90. W. E. Thornwal.
91. J. W. Vause.
92. N. T. Oliver.

203. Monroe Ezel.
204. W. W. Oliver.
205. James N. Purvis.
206. James Rodgers.
207. W. H. Fountain.
208. Simon Ward.
209. J. J. Rouse.
210. J. L. Folly.
211. I. J. Turner.
212. H. Oliver.
213. William Morris.
214. A. B. Oliver.
215. M. B. Timmons.
216. O. B. Rollins.
217. E. P. McLaughlin.
218. J. R. Cannon.
219. M. A. Hatchell.
220. J. L. McIlveen.
221. James Connell.
222. Dunkin McLaughlin.
223. William R. Joy.
224. Daniel White.

Colored.

93. Gabe Dixon.
94. Henry Moore.
95. Robert Corbit.
96. Bethel Williamson.
97. King Davis.
98. Gilford Cooper.
99. Mack Scott.
100. William Hawkins.
101. Ramson Kerby.
102. George Hawkins.
103. Ferdinand Nowlin.
104. Isaac Murray.
105. Isaac Williams.
106. Lewis Willis.
107. Charles Williams.
108. Richard Osborne.
109. Joseph Van Wright.
110. Philip Eddy.
111. Robert Smith.
112. Allen Robinson.
113. Peter Johnson.
114. Isaac Barker.
115. Marcus Ham.
116. Bristow Wells.
116. James Nowlin.
117. Richard Williams.
118. Adam Williams.
119. Dublin Pigott.
200. Sydney Graham.
201. Albert Lawrence.
202. Icham Johnson.

234. Riley Baley.
235. Frank Thomas.
236. Docher Black.
237. Adam Esbeth.
238. Isaiah Russell.
239. Jackson Ruple.
240. Pinckney Rush.
241. Abram McCullough.
242. Sabio Frierson.
243. Henry McDaniel.
244. Sawyer Maxell.
245. Walker Balam.
246. Robert Craps.
247. Jeff. Low.
248. Andrew McGee.
249. Edmund Rich.
250. Joe Mack.
251. Abel Cooper.
252. Jerry McGee.
253. Harry Bristow.
254. Fred. Bristow.
255. Joseph Brown.

White.	Colored.
225. Howell Jones.	256. Mingo Middleton.
226. E. A. White.	257. Jordan Furlow.
227. D. D. White.	258. Jacob Devon.
228. H. J. Jones.	259. Samuel Coleman.
229. E. Cole.	260. Lot Sutherland.
230. J. M. Purvis.	261. Abner Williams.
231. P. A. W. McGee.	262. Wary Brown.
232. R. E. White.	263. Wright Barnes.
233. A. J. McLaughlin.	264. Washington Frank.
265. Maxcy Farmer.	296. Lewis Herring.
266. Adam Turner.	297. Owen Joiner.
267. William Dabney.	298. Jeremiah Proffit.
268. J. W. Lundy.	299. Samuel Welsh.
269. G. L. White.	300. P. M. Murphy.
270. George W. Pettigrew.	301. Alfred Murray.
271. L. B. Rodgers.	302. Benjamin Pigott.
272. T. A. Dabney.	303. George Pigott.
273. A. W. Turner.	304. Siphy Hunter.
274. Alphens Farmer.	305. Allen Williams.
275. Robert C. McLoud.	306. Richard Cannon.
276. J. H. Farmer.	307. Dorsey Williams.
277. James Farmer.	308. Fred. Blackwell.
278. Dunkin McLaughlin.	309. Jonas Timmons.
279. R. H. Ward.	310. Henry Hawkins.
280. M. L. Ward.	311. Andrew Middleton.
281. S. B. Ham.	312. Isaac Jackson.
282. J. S. Courtney.	313. T. R. Rush.
283. A. W. Lambert.	314. Josh. Stanford.
284. W. G. W. Vanse.	
285. J. K. Courtney.	
286. J. M. Anderson.	
287. Ervin Anderson.	
288. J. V. Simms.	
289. E. D. Kerby.	
290. D. P. Kerby.	
291. J. R. Lawrence.	
292. E. Poston.	
293. J. E. Brodch.	
294. Ervin Langston.	
295. E. B. Redick.	

STATE OF SOUTH CAROLINA,

Office Secretary of State :

I, H. E. Hayne, secretary of state, do hereby certify that the foregoing is a true and correct copy of the original poll-list now on file in this office.

Given under my hand and the seal of the State at Columbia, this 24th day of March, 1876, and in the 100th year of American independence.

[SEAL.]

H. E. HAYNE,
Secretary of State.

CONTESTEE'S REBUTTAL.

LEE
vs.
RAINEY. }

Resolution of the Committee on Elections allowing additional testimony.

COMMITTEE ON ELECTIONS,
February 28, 1876.

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee vs. Rainey, from the first congressional district of South Carolina :

Resolved, That the contestee, Rainey, have fifteen days for taking of testimony as to illegal votes cast for Lee anywhere in said district, and Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey; and that said Rainey shall then have ten days to rebut the testimony of said Lee, and that said Lee shall have five days to rebut the rebutting testimony of said Rainey.

A copy from the record.

H. P. COCHRAN,
Clerk.

Notice to take rebutting evidence.

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election, first congressional district,
South Carolina.

To Hon. SAMUEL LEE :

SIR: Please take notice that I will, under the order of the committee of the United States House of Representatives, passed 23th February, 1876, proceed to take testimony in rebuttal in the above-stated case, to adjourn from day to day. The following witnesses will be examined before William J. Saunders, esq., notary public, at Florence, S. C., on the 8th day of April instant, at 12 o'clock m.: John Howe, William White, Mrs. Anna Williams, Peter Williams, Handy Hineuger, Charles Burnett, Joe Washington, Marion Howe, Mars Daniels, Thomas Jefferson, William Richardson, Handy Douglass, T. L. Bennett, and Charles McPherson.

Respectfully,

J. H. RAINEY.

FLORENCE, S. C., April 3, 1876.

Served this 4th day of April.

SAMUEL LEE.

Notice to take additional evidence.

SAMUEL LEE
vs.
JOSEPH H. RAINEY. } Contested election, first congressional district,
South Carolina.

Hon. SAMUEL LEE :

SIR: Please take notice that during the taking of testimony in rebuttal begun on the 8th instant, I will introduce and examine the following

H. Mis. 57, pt. 2—6

additional witnesses: Albert White, Mars Henry, Bella Harper, Lot Cherry, Vern May, Thomas Daniels, and Edmund H. Deas.

Respectfully,

J. H. RAINEY.

FLORENCE, S. C., *April* 11, 1876.

Served this 11th day of April.

SAMUEL LEE.

Notice to take additional evidence.

SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.	}	Contested election.
---	---	---------------------

Hon. SAMUEL LEE:

SIR: Please to take notice that during the taking of testimony in rebuttal to begin on the 8th instant, I will introduce and examine the following additional witnesses: George Richardson, (No. 1,) George W. Brown, S. W. Williams, Boyd Glasglow, Abnox Lemon, Emma Lemon, Thomas Fraser, Mrs. Charlotte Davis, Josephus Jordan, Nathaniel D. Harper, George Richardson, (No. 2,) and John Newlin.

Respectfully,

J. H. RAINEY.

FLORENCE, S. C., *April* 8, 1876.

Served this — day of April.

STATE OF SOUTH CAROLINA,
Darlington County:

Personally appeared E. Keith Dargan, who, being duly sworn, says on oath that he served on Samuel Lee a copy of the within notice, personally, at Florence, S. C., on the 8th day of April, 1876, by handing the same to him, and leaving it with him.

E. KEITH DARGAN.

Sworn to before me this 8th April, 1876.

[SEAL.]

WILLIAM J. SAUNDERS,
Notary Public.

Subpæna No. 1.

THE UNITED STATES OF AMERICA,
State of South Carolina, Darlington County:

To Thomas Jefferson, John Nowland, Henry Douglas, Charles McPherson, George Richardson, (No. 1,) George Richardson, (No. 2,) Mrs. Charlotte Davids, Wm. Richardson, Mars Daniels, Thomas Daniels, Mars Henery, Lot Cherry, H. D. Harper, S. W. Williams, Levant May, and John Howe.

You are hereby summoned to appear before me, at my office, in the town of Florence, county of Darlington, on Monday, the 10th day of April, 1876, to testify before me in a contested-election case for member

of Congress for the first congressional district of South Carolina, in which Samuel Lee is contestant and Joseph H. Rainey is contestee.

Witness my hand and seal this 5th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

I certify that I served the within subpoena upon the persons named.

EDWARD H. DEAS,
Constable.

Subpœna No. 2.

THE UNITED STATES OF AMERICA,

State of South Carolina, Darlington County :

To Mrs. Anna Williams, Peter Williams, Handy Henagan, Charles Bennet, Joseph Washington, Mars Daniels, and Handy Douglas.

You are hereby summoned to appear before me, at my office, in the town of Florence, county of Darlington, on Saturday, the 8th day of April, 1876, to testify before me in a contested-election case for member of Congress for the first congressional district of South Carolina, in which Samuel Lee is contestant and Joseph H. Rainey is contestee.

Witness my hand and seal this 3d day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

I certify that I served the within *sub. ad test.* upon the within-named persons.

EDMUND H. DEAS,
Constable.

Caption to depositions.

<p>SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.</p>	}	<p>Contested election, first congressional district, South Carolina.</p>
--	---	--

Depositions taken at Florence, S. C., on April 8 and seq., 1876, before Wm. J. Saunders, a notary public in and for the State of South Carolina, on the part of the contestee, the contestant and contestee both being present.

For contestee, E. Keith Dargan, esq.; for contestant, ———.

Deposition of Charles McPherson.

<p>SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.</p>	}	<p>Contested election, in rebuttal.</p>
--	---	---

STATE OF SOUTH CAROLINA,

Darlington County :

Before me, Wm. J. Saunders, a notary public in and for the State of South Carolina, personally appeared CHARLES MCPHERSON, who being duly sworn, testified as follows, to wit :

Question. What is your name ?—Answer. Charles McPherson.

Q. Are you a citizen of Darlington County ?—A. I am.

Q. Did you formerly belong to the Janots ?—A. I did.

Q. Have you been engaged in teaching school at Effingham, in Darlington County?—A. I have, but have closed my school.

Q. Did you vote at the last general election?—A. I did.

Q. Are you old enough to vote; and, if so, what is your age?—A. I do not know exactly, sir, what is my age.

Q. How did you come to vote?—A. I inquired of my age of James B. Janot, and he told me I was over twenty-one previous to the election.

Q. How long previous to the election?—A. About one month.

Q. Was any one present when he gave you that information?—A. There was; John Howland and Peter Black.

Q. Did you vote at Effingham precinct?—A. I did; I was clerk of the board of managers.

Cross-examination:

Q. Which ticket did you vote?—A. I voted the Chamberlain and Rainey ticket.

Q. Who did you vote for for Congress?—A. Jos. H. Rainey.

CHARLES MCPHERSON.

Sworn to and subscribed before me on this the 8th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of John Howland.

JOHN HOWLAND, having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?

(Objection was made to the introduction of this witness for the reason that no notice was served on the contestant that he would be introduced.)

Answer. I am.

Q. Do you know Charles McPherson?—A. I know one Charles McPherson. I know the one present.

Q. Do you know Dr. James B. Janot?—A. I do.

Q. Have you ever heard a conversation between Dr. James B. Janot and Charles McPherson about the age of the said McPherson? If so, state it.—A. I have. On one Saturday evening Dr. Janot and Charles McPherson were present at the market-house, and Charles McPherson said: "Doctor, do you know my age?" and the doctor commenced counting up upon his fingers, and told McPherson that he was born in 1853. McPherson asked him if he was confident that that was his age, and Dr. Janot answered that he was.

Q. Was this conversation before the last general election?—A. Yes, it was.

Q. Do you remember how long before?—A. I could not remember exactly, but it was somewhere along about in the fall.

Q. Are you certain it was before the general election of 1874?—A. Yes, sir, I am certain.

his
JOHN + HOWLAND.
mark.

Sworn to and subscribed before me on this the 8th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Thomas Jefferson.

Before me, William J. Saunders, a notary public in and for the State of South Carolina, personally appeared THOMAS JEFFERSON, who being duly sworn, testified as follows, to wit:

Question. Do you reside in Florence, Darlington County?—Answer. I do.

Q. Did you vote at the last general election?—A. No, sir.

Q. Did you ever tell Phillis Parnell that you voted?—A. I did not. I told her in the presence of Lemuel Gadsden that I did not vote.

Q. Did you ever tell L. W. Gadsden that you had voted?—A. No, sir; I told him that I did not.

Q. Did he ever offer you any money to swear that you had voted; and, if so, how much, and who was present when he made the offer?—A. He did; and the amount was two one-dollar bills. I was in my bed-room, and my grandmother was in hers; and when I refused the \$2, she said to me then, "No; before you tell a lie for \$2, take that one-eyed ox and go in the field and plow for your living." She heard Gadsden make the offer, and heard my reply.

Q. Is Phillis Parnell any relation of yours?—A. No, sir; my uncle married her.

Q. When was this offer made to you?—A. Sunday gone three weeks ago.

Q. Before they commenced taking testimony in this contested-election case?—A. I think it was, but am not certain.

Q. Is there any means by which you can fix the time?—A. All I can say is that my grandmother was there when the offer was made.

Q. Do you know Mr. Lee?—A. Yes, sir.

Q. Was he at your aunt Phillis's?—A. Yes, sir; I saw him over there that Saturday night, before this money was offered to me. It was on Sunday that this money was offered to me.

Q. Do you know of another Thomas Jefferson?—A. I know of another name, but do not know him personally.

Cross-examined:

Q. How old are you?—A. I don't rightly know.

Q. How old were you at the last general election—were you of age?—A. I don't know.

Q. Where were you on the day of the election?—A. In Florence.

Q. Were you at the polls any on that day?—A. No, sir.

Q. Did you take any part in that election?—A. I didn't make myself interested in it. I went into a club, but was personally objected to on account of my age by Mr. Tom Frazer. I was asked my age, but stated that I did not know it.

Q. Where was that club held?—A. Here in Florence.

Q. Who was the organizer of that club?—A. I don't know; when I knew the club it was already organized.

Q. What was the name of that club?—A. It was known as the "Wide Awake Club."

Q. Were there any more such clubs in this county?—A. I heard of such clubs, but I did not visit them, because I did not have the chance. They did not let me visit the one that I first went to, and I thought I had better hang up.

Q. You never were in any of their club meetings here?—A. On the occasion of my first visit, I was objected to by Mr. Frazer, and I never went back any more.

Q. Have you ever gone about in this county organizing "Wide Awake Clubs?"—A. No, sir; I would not know how to begin.

Q. How many conversations did you ever have with Mrs. Phillis Parnell about voting?—A. I never had any.

Q. How many conversations have you ever had about voting, with L. W. Gadsden?—A. I have had several lately. On the day of election me and Mr. William Richardson were together, when he asked if we were not going to vote, and I answered no, that I did not know whether I was of age.

Q. Are you certain that you did not take a ticket from some one else and vote it?—A. I was offered tickets by Tom Frazer, Edmond Daas, and West Williams, and I answered that I was not going to vote because I did not know if I was old enough.

Q. Were all those parties together when they offered you those tickets?—A. No, sir; they offered them to me at different times.

Q. Were all those parties anxious for you to vote?—A. No, sir; not after I told them I was not of age.

Q. Where was this conversation with L. W. Gadsden, when he offered you the ticket?—A. About forty yards from the polls.

Q. At what time of the day was that?—A. It was in the morning.

Q. At what time did West Williams offer you the ticket?—A. It was in the evening.

Q. What time was it Mr. Tom Frazer offered you the ticket?—A. In the evening.

Q. Where was it West Williams offered you the ticket?—A. He was inside the lot where the polls was held, and I was on the outside.

Q. Where were you when Mr. Thomas Frazer offered you the ticket?—A. Going away from the polls.

Q. Where were you when Edmond Daas offered you the ticket?—A. He was inside the lot in which the polls were held, and called to me, asking if I was not going to vote. I answered, No.

Q. Then, were you near the polls all day?—A. No, sir; I went away, and then I came back.

Q. You and Dr. Richardson were together all that day?—A. Yes, sir; we were together all the night before, all that day, and the night after.

Q. Did you visit Mrs. Phillis Parnell's that day?—A. I did not.

Q. Did you see her on that day at all?—A. No, sir; I don't recollect meeting her at all on that day.

Q. When and where did you tell her that you did not vote?—A. In my grandmother's house. I was speaking to L. W. Gadsden, and not to her; but she was present.

Q. Where did you tell her that you did not vote?—A. I told her so when she was in my grandmother's house, when I was talking to L. W. Gadsden.

Q. Did you ever tell her on any previous occasion that you had or had not voted?—A. No, sir; I never had any conversation with her about voting.

Q. You are certain of that?—A. Yes, sir; I am certain.

Q. What time on Sunday was it that L. W. Gadsden had a conversation with you in your grandmother's house?—A. Well, I do not remember whether it was in the morning or the evening.

Q. Think well, and tell me who all were present at that conversation?—A. I don't have to think about it. No one was present but L. W. Gadsden and my grandmother, and after that Aunt Phillis and L. W. Gadsden's wife came in.

Q. Did you have two conversations at that time with L. W. Gadsden

about voting?—A. When Gadsden first came in and offered me the \$2, I asked him where was the \$2 he offered me—my object being to see if he would give me \$2 to tell a lie on myself. He then went out and returned with two one-dollar bills. He took the bills from his pocket and showed them, when I replied, “Ah, Lem, \$2 can’t turn me.”

Q. Who was present when he came back?—A. No one but self and grandmother, but afterward his wife and mother came in.

Q. In what part of the house did this conversation take place?—A. In my bed-room.

Q. Did the conversation cease when Gadsden’s mother and wife came in?—A. Yes; only that Gadsden said that I had voted, and his mother also said that I had; but I then contradicted it, and denied that I had.

Q. Did you have any conversation with L. W. Gadsden the Saturday night previous to the Sunday spoken of, or any other person?—A. I don’t know whether it was Saturday night or the Friday previous. I was at Mrs. Phillis Parnell’s house when L. W. Gadsden showed me the list of names, and then he pointed out the name of Thomas Jefferson. I said it was not my name. When he asked me whether or not I had voted, and I told him no I had never voted in my life, and then he told Mr. Samuel Lee, who was present, that I was scared, which was the reason I would not admit that I had voted. I denied that I was scared.

Q. Did you make any statement on that occasion about Mars Daniels or any other person voting illegally?—A. On that occasion Mr. Lee had Mars Daniels’s name on that list as voting illegally, and I asked if Mars Daniels had voted, and remarked if he had he may have voted illegally; and I told Mr. Lee I was going where Mars Daniels lived, and I saw Mars Daniels, who told me that he had not voted.

Q. When did you go?—A. I think it was on Monday morning that I went out there.

Q. When was it you had this conversation with Mr. Lee and Mr. Gadsden?—A. I have forgotten whether it was Friday or Saturday night.

Q. Did you have any other conversations with Mr. Lee or Mr. Gadsden?—A. No, sir.

Q. Did you go back to Mr. Gadsden’s to inform him or Mr. Lee of what you had ascertained about Mars Daniels?—A. No, sir; but I saw Mr. Gadsden.

Q. When did you see him?—A. I don’t know, sir, when I saw him.

Q. Was any one present when you delivered your message to him?—A. I don’t think so.

Q. What did you tell him?—A. I don’t recollect what I told him, but remember that I informed him that Mars Daniels had said that he (Daniels) was much larger than he (Gadsden) thought he was.

Q. Did you not visit Mr. Gadsden’s house the Sunday morning after your conversation with him about Mars Daniels?—A. I did not, I am positive.

Q. Did you not make a proposition to Mr. Gadsden about finding illegal voters if you were paid for it?—A. No, sir; I did not. The only conversation that took place was that Mr. Lee said if it put me to any trouble to see Mars Daniels, that he would pay for it, but that I replied it would be no trouble to me.

Q. Where were you when you said that?—A. The same night that you showed me the list of names.

Q. Who were present?—A. I don’t remember whether L. W. Gadsden was present, but he had been there.

Q. Did you ever demand money of L. W. Gadsden for the information

you had got of Mars Daniels?—A. No, sir, but said to him, “I wish Mr. Lee would pay me for going out to Mars Daniels’s.” I said that in joke. If I had meant it I should have asked Mr. Lee for money.

Q. Did you name any price for any other illegal voters that you might find?—A. No, sir; because I told Mr. Gadsden that I knew of no illegal voters.

Q. In whose presence did you tell him that?—A. I think no one was present. It was at my house.

Q. When was that?—A. Don’t remember.

THOMAS W. JEFFERSON.

Sworn to and subscribed before me on this the 8th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Handy Douglas.

HANDY DOUGLAS being called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. Yes, sir.

Q. How many persons of the name of Thomas Jefferson in this county do you know?—A. I only know one.

Q. Where does he live?—A. He is in North Carolina now.

Q. Did he vote at Florence precinct at the last general election?—A. Yes, sir, he voted here; so he said.

Q. Was he here at the last general election?—A. Yes, sir, he was here.

Q. Where is he now?—A. He is in North Carolina.

Q. You do not refer to the witness who has just been examined?—A. No; I have seen him before, but did not know him.

Q. How long has this man Thomas Jefferson, that you refer to, been living in North Carolina?—A. I and him went there the 20th of January, 1876, to work.

Q. Is he a citizen of South Carolina?—A. Yes, sir.

Q. Were you at the Florence polls the day of the general election, and did you see him there?—A. I saw him in Florence, and he told me that he had voted.

Q. How long have you known Thomas Jefferson?—A. Since 1873.

Q. Did you work with him?—A. Yes, sir.

Q. What is his full name?—A. Thomas Jefferson.

Cross-examined:

Q. What part of the county do you live in?—A. On Mr. D. A. McCall’s plantation.

Q. How long have you lived there?—A. Since January, 1876.

Q. Where did you move from?—A. From Marion County.

Q. How long had you lived in Marion County?—A. I was living there about four or five years.

Q. Was Thomas Jefferson living in Marion County with you?—A. No, sir.

Q. Where did he live at the time you were living in Marion County?—A. In 1873 I got acquainted with him at Effingham, getting staves for John Dabner, in the fall of 1873.

Q. Did he have a wife in this county?—A. When I first got acquainted with him he told me his wife was dead.

Q. Are you well acquainted in Florence?—A. Yes, sir; since there was two houses here.

Q. Do you know of your own knowledge that this Thomas Jefferson that you refer to is known to any of the citizens of Florence?—A. I couldn't tell, sir. There are very few of the citizens of Florence that I know myself, but I do know of numbers that do know him besides myself.

Q. State the names of some of the citizens of Florence that do know him.—A. I could not do it. He is a man that does job work. He does not work on the farm. He jobs about getting shingles, staves, and works on the railroad. We came from Georgetown the 4th July, 1874. I was taken sick and he would not return alone, but took a job on the Northeastern Railroad, and was here until the election, and said he voted here; told me on the day of the general election.

Q. Was any one present when he told you?—A. Yes; myself and brother were together.

Q. Where is your brother?—A. In North Carolina—at Shoe Heel—working on the railroad.

Q. When did he go there?—A. In January, 1876.

Q. Is this Thomas Jefferson you speak of a young or an old man?—A. He is about thirty-five or forty.

Q. Is he a white, brown, or black man?—A. He is a black man.

Q. What is the full name of Mr. Dabner, on whose place he worked with you getting out staves?—A. I don't know.

Q. Where is Mr. Dabner living?—A. I don't know.

Q. Do you know who employed him on the Northeastern Railroad?—A. I don't know.

Q. Do you know the name of any one who ever hired him to work, living in this county?—A. John Dabner. I don't know of any one else.

Q. When was the first time you ever saw this Thomas Jefferson who testified here to-day?—A. I could not tell you; I have seen him here so many times.

Q. Does he reside here in Florence?—A. I could not tell.

Q. Was the Thomas Jefferson you refer to a republican or a democrat?—A. Couldn't tell, but suppose he was what all the rest of them was.

Q. Do you know for whom he voted for Congress at the last election?—A. I can't tell you anything about it.

Q. Then you didn't learn what ticket he voted?—A. He didn't tell me. I never asked him.

Redirect :

Q. Like yourself, Thomas Jefferson was a job worker?—A. Yes, sir.

Q. For whom did he work in Georgetown?—A. L. M. Blakely.

Q. For whom did he work at Effingham?—A. John Dabner.

Q. Is the Effingham you refer to in Marion or Darlington County?—A. In Darlington.

Q. You saw him at Florence the day of the last election?—A. Yes, sir; I met him at Mr. Baker's door as I was going out of town.

Q. What did he say about voting?—A. He asked me what I was doing at that time of day without voting; I replied that I had been up to see my sick sister, but was on my way to my poll then.

Q. Was that all the man said to you?—A. No, sir; he said that I had better hurry on, as that he had already thrown his ticket.

Recross-examination :

Q. Where did you vote at the last general election ?

(Objected to as not in reply.)

A. At Mars Bluff, in Marion County.

Q. At that poll did this man Thomas Jefferson vote ?—A. He told me here at Florence.

Q. Were you a supporter of Mr. Rainey at the last general election ?

(Objected to as not in reply.)

A. I was; I voted for him.

his
HANDY + DUGLAS.
mark.

Sworn to and subscribed before me on this the 8th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of George Richardson, (No. 1.)

Before me, Wm. J. Saunders, a notary public in and for the State of South Carolina, appeared GEO. RICHARDSON, a witness for the contestee, and having been duly sworn, testified as follows, to wit :

Q. Where do you reside ?—A. Darlington County.

Q. Are your parents living ?—A. Yes, sir.

Q. What is the name of your mother ?—A. Elsie Richardson.

Q. Were you a slave before the war ?—A. I was.

Q. Did your mother ever send you to inquire of your former owner respecting your age ?—A. They wanted me to work on the streets, and I told them I was not old enough to work the streets.

Q. How did you know that you were not old enough ?—A. Jas. Coker, my former owner, told me that I was not sixteen, about two years ago.

Q. Were you in Florence during the last general election ?—A. I was.

Q. Did you ever tell any one that you voted on that day ?—A. No, sir.

(Objected to as not in reply to examination-in-chief.)

Q. Did you vote on that occasion ?—A. No, sir.

Q. Do you know of any other person by the name of George Richardson living in this county ?—A. Yes, sir.

Q. Is he a man grown ?—A. He is a man, from what I can learn.

Q. What do you mean by what you say ?—A. From what he told me himself, to wit, that he was twenty-eight.

(Answer objected to as not the best evidence.)

his
GEORGE + RICHARDSON.
mark.

Sworn to and subscribed before me this the 10th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of George Richardson, (No. 2.)

GEORGE RICHARDSON, a witness for the contestee, having been called and duly sworn, testified as follows, to wit :

Question. Where do you live ?—Answer. In Darlington County.

Q. How long have you been living here?—A. I have been living in Darlington County since one year before the last general election. I was born and raised here. I had moved into Marion County, but moved back.

Q. When did you move into Marion County? Do you recollect the year?—A. I cannot remember the year, but I moved back this year.

Q. Did you move back to Darlington County before or since the election?—A. I moved back before the election.

Q. Did you vote here at the last general election?—A. Yes, sir, I did.

Q. Where did you vote, at Florence or Effingham?—A. Florence, sir.

Q. Have you ever voted before the last general election?—A. Yes, sir; I voted the election before that.

Q. Do you know your age?—A. Don't know exactly; but I am between twenty-four and twenty-six.

Q. What do you judge by?—A. To the best of my knowledge that is my age.

Q. Can you read or write?—A. I can read a little, but can't write any.

Q. Are you a married man?—A. Yes, sir.

Q. Have you a family?—A. Yes, sir.

Q. How long have you been married?—A. Five years the last January.

Q. No one has ever challenged your vote?—A. No one.

Cross-examined:

Q. On whose place do you live?—A. Jos. J. McCown's.

Q. How long have you lived there?—A. Only this year. I moved out of Marion County, and rented land of him.

Q. When did you move out of Marion County?—A. I moved on the 6th of December, 1875.

Q. On whose place did you live in Marion County?—A. T. C. Crawford's.

Q. How long had you lived on his place?—A. I lived on his place four years, just after the war, when I moved away; then I lived with him last year.

Q. What time did you go on his place?—A. January before last.

Q. On whose place were you born and raised?—A. On James McCown's, in this county.

Q. How many names have you had since the war?—A. Only one—George Richardson.

Q. What name did you give to the managers when you voted here, at Florence?—A. George Richardson.

Q. What ticket did you vote on that day?—A. I voted the ticket, I believe, they called the Chamberlain ticket.

Q. For whom did you vote for Congress on that occasion?—A. I voted for Rainey.

his
GEORGE + RICHARDSON.
mark.

Sworn to and subscribed before me on this the 10th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS, *Notary Public*.

Deposition of William Richardson.

WILLIAM RICHARDSON, having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Do you reside in this county?—Answer. I do.

Q. How long have you been here?—A. Born and bred here.

Q. Are you acquainted with Thomas W. Jefferson?—A. I am.

Q. Where were you on the day of the last general election?—A. In Florence.

Q. Who were you in company with on that day?—A. With Thomas W. Jefferson.

Q. When did you join him?—A. I was with him a little the day previous. I passed the night with him at his house, and was with him all the next day.

Q. You are confident you were with him all that day?—A. I am.

Q. Did you see him vote on that day?—A. No.

Q. Did you see him make any attempt to vote on that day?—A. I did not.

Q. Did you see any one offer him tickets on that day; and, if so, who?—A. L. W. Gadsden, West Williams, Thomas Frazer, and Edmond Daas.

Q. Did he accept or decline those tickets?—A. He declined each offer.

Q. You feel confident that if he had voted that day you would have known it?—A. I would.

Cross-examined:

Q. State when you got with Thomas Jefferson.—A. The evening before the election came off.

Q. State when you first parted with him.—A. Not until the day after the election.

Q. Did he get out of your sight in all that time?—A. He did not.

Q. Did you sleep, eat, and walk with him?—A. I did.

Q. Do you recollect everything he did and everywhere he went on that day?—A. I can't recollect everything he did, but I know he did not vote on that day.

Q. How do you recollect that he did not vote on that day?—A. I and him was together, and I am well satisfied that he did not vote on that day.

Q. Did you stay at the polls and watch to see that he did not vote on that day?—A. I did not; where he was I was.

Q. Will you swear that he did not vote on that day?—A. I will.

Q. Did you go up to the polls on that day?—A. I did not go in the yard where the polls were.

Q. How near were you to the polls?—About fifty yards, as near as I can come at it.

Q. What time did you go toward the polls?—A. About 7 o'clock a. m.

Q. What time did you leave there?—A. About 8 or 9 o'clock p. m.

Q. Where did you eat your meals on that day?—A. With him. The night after the election he took supper with me.

Q. You took dinner with him?—A. I did.

Q. Where does he live?—A. In town.

Q. Where do you live?—A. In town.

Redirect examination:

Q. Do you work in or out of town?—A. I work out of town now, but at that time was working in town.

WILLIAM RICHARDSON.

Sworn to and subscribed before me this the 10th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Mrs. Charlotte Davis.

CHARLOTTE DAVIS, having been called as a witness for the contestee, after being duly sworn testified as follows, to wit :

Question. Do you reside in Florence ?—Answer. I do.

Q. Are you related to Thomas W. Jefferson ?—A. I am his grandmother.

Q. Do you live in the same house with him ?—A. I do.

Q. Have you ever heard any conversation between your grandson and L. W. Gadsden at your house, about voting ?—A. Yes, sir.

Q. Who was present ?—A. No one. He was in his room washing to clean himself, and I was in my room.

Q. Did you hear any offer made to your grandson ? If so, state what it was.—A. Yes ; I did. It was by L. W. Gadsden. When L. W. Gadsden held out the \$2 to Thomas, he (Thomas) said, “ Your \$2 won’t turn me.” When I said, “ Boy, you have a one-eyed ox ; take your one-eyed ox and turn the soil up, and make your living in an honest way.”

Q. What did Gadsden say when he offered the money to Jefferson ?—A. He spoke in a low tone. I heard Thomas reply. I have gone as far as I know anything about it.

Q. After this offer was made, did you hear Gadsden say anything to Jefferson about voting, and, if so, state it ?—A. Yes, sir ; I did. He said that Thomas voted. Thomas told him he did not. Thomas’s reply to Gadsden was that if “ I could not do one public duty I could not do any. They wanted me to work on the streets, and I would not do it.”

Q. When was this conversation that you refer to ?—A. I think yesterday was a fortnight ago.

Q. Do you remember that Gadsden’s mother came there ?—A. Yes, sir ; but she could not hear anything. She was engaged in fighting my dog at the time.

Cross-examined :

Q. Did you see any money on the occasion you refer to ?—A. I did not ; I heard the answer for the money.

Q. You did not hear what L. W. Gadsden said to Jefferson ?—A. I said Gadsden spoke very low ; when it did come out it was on voting.

Q. Did you hear all that Jefferson said to Gadsden ?—A. I did, for he spoke right out.

Q. What was his exact reply that you first heard ?—A. After I heard about the voting, I did not give Thomas time to answer. I made the answer, and all that I said is down on that paper.

Q. Then everything that Thomas said, from first to last, is on that paper ?—A. Yes ; it is, as far as I know.

Q. Did you hear anything that Thomas said about going into the country, about getting illegal voters, if he was paid ?—A. No, sir ; I did not hear it.

Q. Did you hear Gadsden offer to pay him if he would go into the country to see Mars Daniels ?—A. No, sir ; I did not.

Q. Did you hear Thomas ask Gadsden to pay him about Mars Daniels ?—A. No, sir ; he did not do it in my house.

Q. Did L. W. Gadsden’s wife and mother come into the house at the time of this conversation ?—A. No, sir ; not at the time I spoke. They came in after that.

Q. Was there any conversation about illegal voters while L. W. Gadsden’s wife and mother were in the house ?—A. After they got in there,

there was nothing said about voting, except that Gadsden tried to make Thomas own that he had voted, and Thomas would not do it.

CHARLOTTE^{her} + DAVIS.
mark.

Sworn to and subscribed before me on this the 10th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Mrs. Emma Lemon.

Mrs. EMMA LEMON, a witness for the contestee, having been duly sworn, testified as follows, to wit:

Question. What relation are you to Albert White?—Answer. I am his mother.

Q. Was he twenty-one at the last general election of 1874?—A. Yes, sir.

Q. How old was he when you married your present husband?—A. He was two years of age.

Q. How long have you been married to your present husband?—A. Twenty-two years.

Q. Do you know when your son was born?—A. He was born on the 17th day of August, 1853.

Q. Did he formerly belong to Mrs. Howe?—A. He did, sir.

Q. Has he not been recently indicted for illegal voting and carried before Commissioner Seabrook, of Sumter?—A. Yes, sir.

(Question and answer objected to because irrelevant and that the records of the commissioner's court are the best evidence.)

Q. Was he not acquitted, discharged, and allowed to come home?—A. Yes, sir.

(Objected to on same grounds.)

Q. Were you not a witness before the commissioner in his case?—A. Yes, sir.

Q. And your husband also?—A. Yes, sir.

Q. Was not Jas. A. Howe a witness also?—A. Yes, sir.

Cross-examined:

Q. Can you read and write?—A. No, sir.

Q. Are you positive as to the year in which Albert White was born?—A. Yes, sir.

Q. On whose place was he born?—A. Mrs. Malvina Howe's.

Q. Do you know whether it was her habit to keep the ages of her slaves?—A. No, sir.

Q. Do you know whether she had Albert's age in a book?—A. No; I do not know whether she had it in a book or not.

Q. Were you raised by Mrs. Howe?—A. I was not. I came up from Charleston a young woman, grown.

Q. Have you ever gone to Mrs. Howe to find out the ages of yourself and children?—A. No, sir; I never did.

Q. In what year were you married to your second husband?—A. I can't tell the year.

Q. How do you know that you have been married twenty-two years?—A. Because my husband always kept an account of it.

Q. How did he keep it?—A. I don't know how he kept it.

Q. Why did you say you were married twenty-two years?—A. I judge by the length of time we were married, and he would count it up and tell me.

Q. Is that the only way in which you know it?—A. Yes, sir; that is the only way.

Q. Does your son expect to go back before Commissioner Seabrook?—A. Yes, sir.

Q. Then his case is not over?—A. No, sir.

Redirect examination :

Q. Has your son been re-arrested, and, if so, on another charge?—A. Yes, sir.

Q. What is it?—A. That he was tampering with witnesses—not for illegal voting.

Q. Have you any doubt whatever that your son was over twenty-one years of age at the last general election?—A. No, sir; I have no doubt at all.

Recross-examination :

Q. Was it not in 1854 that Albert White was born?—A. No, sir.

Q. By what circumstance can you tell that he was born in 1853?—A. I was talking to Mrs. Howe about the ages of the children when she told me he was born in 1853.

Q. Then, you took Mrs. Howe's word for it?—A. Yes, sir.

Q. Does Mrs. Howe know the ages of your children?—A. Yes; I suppose she does, as they were born on her place. I don't know whether she kept them correctly or not.

Q. Then your knowledge is based on what Mrs. Howe said?—A. I am going by what she told me. I don't know whether it is correct or not.

Rerredirect examination by contestee :

Q. You have been married twenty-two years?—A. Yes, sir.

Q. Albert White was two years old at the time you were married? (Objected to as a leading question.)

A. Yes, sir.

her
EMMA + LEMON.
mark.

Sworn to and subscribed before me on this the 10th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of A. Baruch, esq.

A. BARUCH was called as a witness for the contestee, and, having been duly sworn, testified as follows, to wit :

(The contestant objects to the introduction of A. Baruch, esq., because no notice has been given of the intention of the contestee to introduce him.)

Question. Are you a judicial officer at Florence, Darlington County?—Answer. I am. I am a trial-justice these six years.

(Record *in re* United States *vs.* Albert White, charge voting illegally, was offered in evidence, and was objected to by the contestant on the ground that the record is not proven.)

Q. Are you acquainted with E. M. Seabrook, United States commissioner at Sumter, S. C., and do you know his signature?—A. I know his signature, and know this to be his signature.

Q. Do you refer to the signature on the paper marked "Exhibit A," and filed in this case?—A. Yes, sir.

Q. Is the signature on the cover of Exhibit A his?—A. Yes; and I refer to the signature under the words "true copy."

A. BARUCH.

Sworn to and subscribed before me on this the 10th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Abner Lemon.

ABNER LEMON, a witness for the contestee, having been duly sworn, testified as follows, to wit:

Question. Are you the husband of Emma Lemon, the mother of Albert White?—Answer. I am.

Q. How many years have elapsed since your marriage to her?—A. Twenty-two years.

Q. How old was her son, Albert White, when you married her?—A. About two years, because he was large enough to run about and understand what was said.

Q. Were you a witness before Commissioner Seabrook in the case against Albert White, charged with voting illegally?—A. Yes, sir.

Q. Was he discharged, released, and allowed to come home?—A. Yes, sir.

Q. Who was the witness against him in Sumter?—A. James A. Howe.

Cross-examination:

Q. Can you read and write?—A. No, sir.

Q. In what year were you married to your present wife?—A. It was in the latter part of 1854 and the first of 1855.

Q. Do you remember the month?—A. Don't recollect the date.

Q. By what means do you fix the time?—A. I can't read and write, to keep the date of time, but did by my judgment.

Q. Have you anything by which you can fix the time to be between the years 1854 and 1855?—A. My recollection was that it was between them two years when I was married; I didn't put it down.

Q. How long before the war was that?—A. Can't say that.

Q. Do you know when Albert White was born?—A. He was born in 1853.

Q. How do you know that?—A. I saw it in a Bible in which it was entered, transcribed from a piece of paper on which his owners had put it.

Q. Do you know that his owners had put it on a piece of paper?—A. I didn't see them do it.

Q. Your only knowledge of that piece of paper is that you saw it in Albert's possession?—A. Yes, sir.

Q. Is that the only way by which you know his age?—A. That is the only way.

Redirect examination :

Q. Are you a carpenter?—A. Yes, sir.

Q. Are you familiar with figures?—A. Yes, sir; on the square.

Q. You say you have been married twenty-two years?—A. Yes, sir.

Q. You remember that auspicious event distinctly?—A. Yes; I do.

Q. How old was Albert White when you were married?—A. He was about two years old. I was married the latter part of 1854 and first part of 1855.

Recross-examination :

Q. How do you know it?—A. I remember it. I have nothing by which I can do so.

Q. Have you anything by which you know Albert was two years old when you were married?—A. My judgment that a child running about and talking so as to be understood would be about that age.

Q. Is that all by which you can tell?—A. That is all, sir.

his
ABNER + LEMON.
mark.

Sworn to and subscribed before me on this the 10th day of April,
A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of S. W. Williams.

S. W. WILLIAMS, having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. Were you a distributor of Chamberlain and Rainey tickets at the last general election at the Florence precinct?—Answer. I was, part of the time.

Q. Did you or not offer a ticket to Thomas W. Jefferson that day?—A. I did, sir.

Q. Did he or not decline to receive a ticket and to vote?—A. He declined voting.

Q. What reasons did he assign for not voting?—A. That he was not old enough.

Q. Did you see him at the polls that day?—A. I did not see him at the polls. I saw him off at a distance; I being on the rallying committee.

S. W. WILLIAMS.

Sworn to and subscribed before me on this the 10th day of April,
A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of N. D. Harper.

N. D. HARPER, a witness for the contestee, having been called and duly sworn, testified as follows, to wit:

Question. Are you a citizen of Florence?—Answer. I am.

Q. How long have you been residing here?—A. Since 1870.

H. Mis. 57, pt. 2—7

Q. Are you well acquainted with the people in this county?—A. Generally.

Q. What is your present occupation?—A. Assistant postmaster.

Q. How long have you been so employed?—A. Three years.

Q. Do you know more than one George Richardson in this county?—A. I do.

Q. Do you know more than one Thomas Jefferson residing in this county?—A. I did know two, but I do not know whether the second one is residing in the county now or not.

Q. To your own personal knowledge, do you know of one residing here now?—A. Yes, sir.

Q. Can you recollect when both were residing here?—A. Yes, sir; in 1874 both of them were here.

Q. Were you employed in any capacity at the last general election?—A. I was one of the board of managers at the Florence precinct.

Q. Do you know of your own knowledge that the Thomas Jefferson to whom you refer as living here now voted at the last election?—A. I don't think he did.

Q. Do you know whether or not the Thomas Jefferson to whom you refer as being now absent voted at the last general election?—A. I have reason to believe that he did.

Q. Upon what is your reason based?—A. Because the Thomas Jefferson who is living here now once got from the office a letter belonging to the Thomas Jefferson who has since left the State. There was a dispute about it which caused me to recollect him when he came to the polls.

Q. The Thomas Jefferson to whom you refer as having voted, was he a man?—A. He was. The oath was administered, when he took it. I administered most of the oaths that day.

Q. Did the Thomas Jefferson you refer to as living here now vote on that day?—A. No, sir; have known him ever since I've been here, and had he offered to vote would have objected on account of his age.

Q. So you are satisfied that he was not of age?—A. I would not have taken him to have been of age.

Q. Do you know George Richardson, residing here?—A. Yes, sir.

Q. Would you consider him of age?—A. No, sir.

Q. Did he present himself at the polls at the last general election?—A. No, sir; I may have seen him outside. I don't recollect seeing him for the purpose of voting.

Q. Do you know of any other George Richardson presenting himself to vote at this precinct?—A. Yes, sir.

Q. Does he live in the corporate limits of the town?—A. No; he lives out on the plantation of Jos. J. McCown.

Q. Where is that plantation situated—in Darlington or Marion County?—A. In Darlington County.

Cross-examination:

Q. Have you a good memory?—A. Yes sir.

Q. Do you remember whether or not Albert White voted on that day?—A. He presented himself to vote; there was some question about his age. I do not remember, though, whether he did vote or not.

Q. Do you remember whether or not Boyd Glasgow voted?—A. I am not certain, but think that he did. I remember that there was some talk about his age.

Q. Do you remember whether or not Walker Howe voted?—A. I don't know him.

Q. Did you see the Thomas Jefferson you refer to as voting deposit his ballot in the box?—A. Yes, sir.

Q. How long before the election had you been acquainted with this Thomas Jefferson?—A. As near as I can remember, since 1873.

Q. What was his business about here?—A. I don't know.

Q. Do you know with whom or where in this place he lived?—A. I don't know.

Q. Can you give me the names of any of the citizens here who know him?—A. Yes, sir; Handy Douglas knows him.

Q. Can you give me the names of another?—A. No; but am satisfied there are others.

Q. Did you stay at the polls all day on the day of the election?—A. I did, except when called away by the requirements of nature. My meals were brought to me.

Q. Then, did you see every person who voted on that day?—A. No, sir.

N. D. HARPER.

Sworn to and subscribed before me on this the 11th day of April, A D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of John Howe.

JOHN HOWE, having been called as a witness for the contestee and duly sworn, testified as follows, to wit:

Question. Do you reside in Darlington County?—Answer. I do.

Q. How long have you been living here?—A. Thirty years.

Q. Have you a family?—A. I have.

Q. Have you a son by the name of Waldron Howe?—A. I have.

Q. Is he a man?—A. He is.

Q. What is his age?—A. He was born in 1853.

Q. How do you know he was born in 1853?—A. Mr. John Hatchell lived with Mr. James Howe, to whom I then belonged, as overseer, in the year 1853, and my son was born the year that he was there.

Q. Are you confident that it was in 1853 that Mr. Hatchell lived there?—A. I am, sir.

Q. How many years did Mr. John Hatchell oversee for Mrs. Howe?—A. One year.

Q. Do you remember any other child being born the same year, who is now living, whose name you can call?—A. I can, sir: Albert White.

Cross-examined:

Q. Did you belong to Mrs. M. F. Howe?—A. She was the wife of Mr. James Howe.

Q. Do you know whether she kept the ages of her slaves or not?—A. I do not.

Q. Have you ever gone to her to find out the ages of your children?—A. I never did, sir.

Q. How many children had you born on her place?—A. I had nine, sir.

Q. Do you remember the year in which each was born?—A. I remember the years in which the two oldest were born, sir, by circumstances.

Q. Can you not remember any of the ages of the others by circumstances?—A. No, sir; not as closely as the two first.

Q. How much older is your oldest child than Waldron, and what was the name?—A. Alice Howe.

Q. In what year was Alice born?—A. It was the year that Mr. Thomas Smoot was the overseer.

Q. In what year was that?—A. I am not educated, and can't tell.

Q. How do you know that Mr. Hatchell overseed on Mr. James Howe's place in 1853?—A. From counting back, sir.

Q. Do you know the year in which your child next to Waldron was born?—A. No, sir; I could not state positively.

Q. Then you do not remember the year in which any of your children was born except Waldron?—A. No, sir; except from circumstances.

Q. How old was Waldron at the last general election, in 1874?—A. He was twenty-one. He was born somewhere about the 30th of August. I can't tell in what year.

Q. Do you know the ages of all the children of Albert White's mother?—A. She only had one, and he was born the same year as Waldron.

Q. Do you know any more about the year Albert White was born than you do about that in which Waldron was born?—A. I only know that they were born the same year.

Q. Can you read and write?—A. No, sir.

Q. Can you tell in what year the war broke out, by counting back?—A. No, sir.

Q. Where is Mr. Smoot at present?—A. He is living on High Hill Creek, in this county.

Q. Where is Mr. Hatchell?—A. He is living below New Effingham; don't know whether it is in Darlington or Marion County.

Redirect examination :

Q. Are you related to Albert White's mother?—A. I am her brother.

Q. Then Albert was her first and only child?—A. Yes, sir.

Q. You stated in the cross-examination that you could not tell the year in which Waldron was born. Can you tell the year in which Mr. Hatchell was overseer?—A. Yes, sir; it was in 1853.

Q. Was Waldron born that same year or the year afterwards?—A. He was born that same year.

Q. Was Waldron your first son?—A. He was my first son.

Q. And Albert was the first and only son of your sister?—A. The only one.

Q. Does that circumstance assist you in any way in remembering the year in which they were born?—A. It does, sir.

Q. Do you remember in what year you were married?—A. No, sir.

Q. So you don't know how long you have been married?—A. No, sir.

Q. It was sometime before the war?—A. O, yes; it was a good while.

Recross-examination :

Q. How do you know that it was not in 1854 that Mr. Hatchell was the overseer?—A. I remember by counting the overseers.

Q. Do you remember the years in which all the overseers served for Mr. Howe?—A. Yes; I do.

Q. Give the name of the first, and the year in which he served.—A. Mr. Thomas Smoot; but I don't know the year in which he served, except it was the year before Mr. Hatchell.

Q. Now give the name and year of the rest of them.—A. Mr. John Hatchell was the next, in 1853; the next was Furman Hatchell, the year after John Hatchell, but don't know the date of the year; the next was Mr. Elijah Hatchell; don't know the date of the year. Mr. Ben. Turner was the next, but don't know the date of the year; Mr. Isham

Turner was next, but don't know the date of the year; Mr. Powers was the next, but don't know the date of the year; Mr. Hardie Thomas was next, but don't know the date of the year; Mr. Meigs was next, but don't know the date of the year; Mr. Jesse Bass was the next, but don't know the year. The next was Mr. Boswell, but don't know the year. Next was Mr. Melton, but don't know the year. Next was Mr. Taylor, but don't know the year.

Q. In what year did Mr. Taylor, the last one, serve?—A. I could not give you the year only from counting them up.

Q. How do you come to begin with the year 1853?—A. By what Mr. Marshall Brown told me that he saw in a Bible belonging to my family.

Q. Is that, then, what you rely upon?—A. Yes, sir; and that Mr. Hatchell lived there that year.

Q. Did you have a family Bible with the age of your children in it?—A. I did.

Q. Was it in your handwriting?—A. No, sir.

Q. Where is Marshall Brown?—A. He is here, and marshal of the town.

Q. Is he a white or a colored man?—A. Colored man, sir.

his
JOHN + HOWE.
mark.

Sworn to and subscribed before me on this the 12th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Mars Daniel.

MARS DANIEL, having been called as a witness for the contestee and duly sworn, testified as follows, to wit:

Question. Do you reside in Darlington County?—Answer. I do.

Q. On whose place are you residing?—A. Mr. Daniel Irwin.

Q. How long have you lived there?—A. Going on three years.

Q. Where were you on the day of the last general election?—A. At home, sir.

Q. Are you sure you were not in Florence on that day?—A. I am, sir.

Q. Did you vote at the last general election?—A. No, sir.

Q. Why didn't you vote?—A. I was not here; no one told me I was old enough to vote, and I didn't vote.

Q. You are certain, then, that you did not vote?—A. I am certain I did not vote.

Q. Did you tell L. W. Gadsden that you had voted on that day?—A. No, sir.

Q. Did you ever have any conversation with him in regard to voting on that day?—A. No, sir.

Q. Did he ever have any conversation with you in regard to voting that day?—A. He asked me if I had voted, when I told him "No," when he told me if I would say that I had voted he would pay me.

Q. How much did he offer to pay you?—A. He offered me \$1.

Q. Where were you when he made you that offer?—A. I was coming in Florence. He met me coming in Florence, and he offered the dollar to say that I had voted, and I said to him I did not vote.

Q. Did you accept of the dollar?—A. No, sir, I did not.

Q. Did he have any further conversation with you in regard to voting?—A. No, sir, he did not.

Q. Did any one else ever visit you at the plantation and talk to you about voting?—A. No, sir.

Q. Did you ever tell any one else that you had voted?—A. No, sir, I did not.

Q. Who did you belong to before you were emancipated?—A. Mr. Robert Rogers.

Q. Can you read?—A. No, sir.

Q. Who knew that you were at home on the day of election?—A. Lot Cherry, Mars Henry, Van May, Thomas Daniels.

Q. Did they come to town to vote on that day?—A. Yes, sir.

Q. You are certain you did not come with them or any one else?—A. I am.

Cross-examination :

Q. What was your occupation on the 3d day of November, 1874?—A. I was plowing, sir.

Q. Who were you plowing for on that day?—A. Lot Cherry.

Q. Is he a white or colored man?—A. Colored man, sir.

Q. Does he own his place?—A. It is Mr. Irwin's place.

Q. Was he working for himself, or Mr. Irwin?—A. For himself, sir.

Q. What time did you commence plowing on that day, and what time did you stop?—A. I commenced at the time other people did, and stoped at sundown.

Q. What hour did you start?—A. About an hour after sun-up.

Q. Did you not come to Florence before you started to plow that morning?—A. No, I did not.

Q. Did you not tell Mr. Lee, Mr. Gadsden, and Mr. Knox Livingston that you came to Florence and how you voted?—A. I did not.

Q. Did you appear on Wednesday the 29th day of March, 1876, to give testimony in the town of Florence, in this contested-election case?—A. I did.

Q. Did you have a conversation on that day with Mr. Lee, his lawyer Mr. Livingston, and Mr. Gadsden, the constable?—A. I did not.

Q. Were you examined on that day?—A. I was not.

Q. Why were you not examined?—A. They showed me the Chamberlain and Rainey ticket, and I said I did not vote the Chamberlain and Rainey ticket or no other ticket.

Q. Who showed it to you; was it a white man or colored man?—A. A white man, as I supposed.

Q. Did you have a conversation with this white man about voting?—A. I did not.

Q. Tell what this white man said to you about voting.—A. He asked me if I voted the Chamberlain and Rainey ticket; I said I did not vote the Chamberlain and Rainey ticket and no other ticket.

Q. Did you not have a conversation with that same white man before, on that day?—A. I did not, sir.

Q. Did you have a conversation with me (the contestant) that day? and, if so, state what took place.—A. Mr. Lee told me, "Mars, if you voted, say that you voted," and I told him that I did not vote.

Q. Was that all that was said between us?—A. That was all, sir.

Q. Who was present at that conversation?—A. No one but you and myself.

Q. Who made you known to me?—A. L. W. Gadsden, the constable.

Q. Was he not present at that conversation?—A. If he was I don't remember it.

Q. Don't you remember that we there had a long conversation about voting?—A. No, sir, I did not. He handed you a letter and you was reading it, and I had no conversation with you nor him either.

Q. Have you a good memory?—A. Yes, I have a pretty good memory.

Q. Are you telling the truth now?—A. Of course I am telling the truth.

Q. Do you know Albert White and Edward Daas?—A. I have no acquaintance with them, but know their names.

Q. Do you know them when you see them?—A. I suppose I do.

Q. Did you remember of seeing them on that day?—A. I don't know whether I remember it or not.

Q. Were they not sitting next to you in the office of the notary public persuading you not to admit that you had voted at the last election?—A. They were not, sir.

Q. What were you plowing for Lot Cherry; corn or potatoes?—A. Plowing potatoes, sir.

Q. Were you planting potatoes in November?—A. Digging them, sir.

Q. How many conversations did L. W. Gadsden have with you about voting?—A. Only one, sir.

Q. Now tell me exactly where that was, and what was the nature of it.—A. It was there near Mr. Fludd's house, and this side of the railroad. I asked him if he left a summons-paper out there for me the other day, and he told me he did. And he next said, "Mars, didn't you vote?" And I told him, "No, I didn't vote." And he said, "If you will tell me you voted I will pay you for losing the day," and he offered me a half a dollar for coming to tell that I voted.

Q. Did he ever offer you money at any other time?—A. On that occasion, as he walked off, he turned to me and said, "Mars, if you will say that you voted I will give you a dollar;" and I told him I did not vote.

Q. Who was present beside yourselves?—A. There was not any one beside me and Lem. Gadsden present.

Q. Did you have any other conversation about money with Lem. Gadsden?—A. No, sir; but he said I need not be scared to tell about voting, because no one would hurt me.

Q. Did any tell you that you would be hurt if you would tell?—A. No, sir.

Q. Have you been paid to say what you have said here to-day?—A. No, sir; no one has offered me money nor paid me for what I've said here to-day.

his
MARS + DANIELS.
mark.

Sworn to and subscribed before me on this the 12th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Lot Cherry.

LOT CHERRY, having been called as a witness for the contestee, after being duly sworn, testified as follows, to wit:

Question. At the last general election, where were you living?—Answer. At Mrs. Irwin's plantation.

Q. Are you in her employ, or did you rent land of her?—A. I have rented land from her for the past four years.

Q. Has Mars Daniels ever been employed by you?—A. Yes, he was. I employed him that day because I was coming out to Florence that day to vote.

Q. On that occasion did you employ him by the hour or by the day?—A. I employed him by the day.

Q. What did you employ him to do?—A. I employed him to gather my potatoes.

Q. How far is Mr. Irwin's from Florence?—A. Ten miles.

Q. Did you come to Florence that day and vote?—A. Yes, sir, I did.

Q. During your stay in Florence did you see Mars Daniels here?—A. No, sir, I did not. I could not see him here when I left him at home.

Q. What time on that day did you return home?—A. I returned home at sundown. On reaching home I found him there gathering the potatoes and putting them into the banks.

Q. Did you consider at the time that he had done a good day's work?—A. Of course I did, sir.

Q. Was it possible for him to have come to Florence and returned and done that day's work?—A. No, sir, it was not possible.

Q. Have you ever heard him say at any time that he had voted?—A. No, sir.

Q. To the best of your knowledge, then, he was not in Florence on the day of the election?—A. No, sir, he was not here, because I had him at home digging my potatoes, and I know it was impossible for him to be here.

Q. Did he express any desire to come to town that day?—A. No, sir.

Cross-examination:

Q. From whom did you employ him?—A. He was a man, and I employed him from himself.

Q. Has he a mother and father?—A. His father is dead; he has a mother.

Q. Does his mother live on Mr. Irwin's place?—A. His mother lives with me all the time.

Q. How old was Mars Daniels at the last election?—A. I know nothing of his age.

Q. Did you not say that he was a man at that time?—A. I said that I took him to be a man.

Q. In 1874 did you ever employ him at any other time?—A. I did not. I employed him specially that day to dig potatoes, as I was coming to town.

Q. What time did you leave home to come to Florence to vote?—A. An hour by sun.

Q. What time did you leave Florence?—A. In time to get home by sundown.

Q. How long did you stay at the polls that day?—A. I staid around about the polls until the voting was all over.

Q. What time was it all over?—A. When the voting was all over it was between 5 and 6 p. m.

Q. How long before dark was that?—A. I can't tell how long.

Q. Who went home from the polls with you?—A. No one.

Q. How did you go home?—A. I walked.

Q. How long did you take to walk home?—A. I could not tell. When I got home it was night; I could not make out the hands taking up potatoes.

Q. Did you see everybody who voted here that day?—A. No, sir.

Q. What day of the week was it on which the general election was held?—A. I did not keep the day of the week, but it was the 9th of the month next to Christmas.

Q. And that was the day on which you employed Mars Daniels?—A. Yes, sir; I employed him on the day we voted.

Q. Have you got a good memory?—A. Yes, sir.

Q. Do you remember distinctly that you hired Mars Daniels?—A. Yes; it was either the 9th day of November or December.

Redirect examination:

Q. Are you sure that the date of the month was the 9th?—A. I stated that I was not sure.

Q. Are you certain about which one of the months the election was held in?—A. I am certain it was held in November.

Q. Are you confident that the day you employed Mars Daniels was election-day?—A. I am confident it was the day of the election.

Recross-examination:

Q. Can you recollect that day distinctly?—A. Just know it was the day of the election.

Q. The election in what year?—A. The election in 1874.

Q. Can't you tell the day on which the election was held?—A. No, sir.

his
LOT + CHERRY.
mark.

Sworn to and subscribed before me on this the 12th day of April, A. D. 1879.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Veran May.

VERAN MAY, a witness for the contestee, was here called, and, having been duly sworn, testified as follows, to wit:

Question. Where did you reside at the last general election in 1874?—

Answer. I was living at Mandeville Rogers's.

Q. Is that near Mrs. Irwin's place?—A. No, sir.

Q. Did you go to Mrs. Irwin's place at any time about the election?—A. The night before the election I was there.

Q. Did you come from there on the day of the election to vote at Florence?—A. I did.

Q. Who did you come in company with?—A. I came alone.

Q. Did you see Mars Daniels on the plantation before you left?—A. I did.

Q. Did you see him during that day at any time in Florence?—A. I did not.

Q. Did you hear him say whether he was coming out to Florence on that day?—A. No, sir.

Q. Did you go back there that night?—A. I did.

Q. What time did you leave Florence?—A. I don't know; but got there about dusk.

Q. Returning, did you see Mars Daniels on the road anywhere?—A. No, sir.

Q. On reaching Mrs. Irwin's place did you see Mars Daniels there?—A. I did.

Q. Did you hear him or any one else say that he was at Florence that day?—A. No, sir.

Cross-examination:

Q. What is your name?—A. Levau May.

Q. On the day of the last general election what time did you reach the polls?—A. Can't tell.

Q. Come as near to it as you can.—A. Can't tell; my first word shall be my last.

Q. Was it in the morning or in the evening?—A. It was in the morning.

Q. How high was the sun when you left Mrs. Irwin's place?—A. The sun was rising.

Q. Did you come direct from her place to the polls?—A. I came right on.

Q. How far is Mrs. Irwin's from here?—A. Ten miles.

Q. How long did it take you to come?—A. Can't tell.

Q. Did you ride or walk?—A. I walked.

Q. How long did you stay at the polls?—A. I couldn't tell.

Q. What time did you leave the polls?—A. Can't tell.

Q. What time did you reach Mrs. Irwin's place?—A. About dusk.

Q. Did you stay at the polls all day?—A. No; I did not stay any longer than I done vote.

Q. Then did you start right back to Mrs. Irwin's?—A. No, sir, I did not.

Q. Did you see everybody who voted here that day?—A. No, I did not.

Q. Do you recollect distinctly the time of the last general election?—A. No, sir.

Q. In what month was it?—A. Couldn't remember.

Q. In what year was it?—A. Couldn't remember.

Q. How long ago has it been?—A. Couldn't remember.

Q. Was it three years ago?—A. Couldn't remember.

Q. Was it five years ago?—A. Couldn't remember nothing at all about it.

Q. How many elections have taken place since that time?—A. Can't remember.

Q. Was that a State or town election?—A. It was a State election.

Q. Which State election was it?—A. Can't remember.

Redirect examination:

Q. You say your name is Levant May?—A. Yes, sir.

Q. So when I recorded it as Vern May I made mistake?—A. Yes, sir.

Q. Can you read or write?—A. No.

his
LEVANT + MAY.
mark.

Sworn to and subscribed before me this 12th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Thomas Daniels.

THOMAS DANIELS, being called as a witness for the contestee, and being duly sworn, testified as follows, to wit:

Question. Where were you living at the time of the last general election?—Answer. Col. John Rogers's.

Q. Is that in Darlington County?—A. Yes, sir.

Q. Is that near Mrs. Irwin's place?—A. Yes, sir.

Q. Did you come through there on the day of the election?—A. Yes; the morning of the election I passed through there.

Q. At what time did you pass through there?—A. When the sun was about two hours high.

Q. Who did you see on that occasion?—A. I saw his hands preparing to dig potatoes.

Q. Do you know Mars Daniels?—A. I do.

Q. Did you see him?—A. I did; he was engaged with Lot Cherry's ox preparing to dig potatoes.

Q. Did you see him anywhere else that day?—A. No, sir.

Q. Did you vote at the last general election?—A. I did.

Q. Where did you vote?—A. At Florence, sir.

Q. Did you see Mars Daniels at Florence that day?—A. No, sir.

Q. What time did you arrive in Florence?—A. I suppose the sun was about three and a half hours high.

Q. About what time of day did you vote?—A. About midday.

Q. Were you round about the polls much during that day?—A. Yes, sir.

Q. You saw the people voting generally?—A. Yes, sir.

Q. You have no recollection of seeing Mars Daniels at the polls that day?—A. No, sir.

Q. Do you recollect seeing many others that day you knew?—A. Yes, sir; I saw a good many of my friends and neighbors who had voted.

Q. On returning home, did you pass through Mrs. Irwin's plantation?—A. Yes, sir.

Q. Did you see any one on your return?—A. Yes, sir.

Q. Did you see Mars Daniels?—A. Yes, sir, in company with my sister and another girl, whom Cherry had hired digging potatoes.

Q. Are you confident of that?—A. I am, for I saw him with my own eyes.

Q. Have you ever heard him, or any one, say that he voted at the last election?—A. No, sir.

Q. Do you know whether he voted?—A. No, sir, for I was in town very late and did not see him.

Q. If he was in town you would have seen him?—A. I would have been certain to have seen him.

Cross-examination :

Q. What time did you leave the polls?—A. I suppose it must have been about 4 o'clock p. m.

Q. Did you go directly by Mrs. Irwin's place to go home?—A. I did.

Q. Was that the nearest way to go home?—A. Yes, sir.

Q. Did you walk or ride?—A. I walked.

Q. What time did you pass Mrs. Irwin's?—A. Near 5 o'clock p. m.

Q. Did you stay at the polls all the time you were at Florence?—A. I did not stay right at it.

Q. Did you see everybody who voted here that day do so?—A. No, sir.

Q. How far is it from here to Mrs. Irwin's place?—A. About ten miles.

Q. After you left the polls did you go directly home from here?—A. I did, sir.

Q. How far from here to your home?—A. About ten miles.

Q. How long will it take you to walk ten miles?—A. About two and a half hours.

Q. Do you recollect distinctly about the circumstances of the last State election?—A. Yes; I remember some part of it.

Q. On what day of the week was it held?—A. I don't remember.

Q. You remember the day of the month?—A. No, sir.

Q. You remember the year?—A. In 1874.

Q. Is that the election you have reference to?—A. That is the election, sir, I am speaking of.

Q. How long ago has that been?—A. About two years ago, or soon will be.

Redirect examination :

Q. Can you say positively what time it was when you left Florence?—A. About 4 o'clock p. m., so as to give me time to get home before night.

Q. Can you say positively at what time you arrived at home?—A. I guess it was about 5½ o'clock p. m. I had no time-piece.

his
THOMAS + DANIELS.
mark.

Sworn to and subscribed to before me on this the 12th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Mars Henery.

MARS HENERY, having been called as a witness for the contestee, after being duly sworn testified as follows, to wit:

Question. Where do you live?—Answer. Mrs. Irwin's place; bred and born there.

Q. Where did you vote at the last general election?—A. Here, in Florence.

Q. What time did you leave there to come to Florence?—A. About two and a half hours by sun.

Q. When you left home in the morning was Mars Daniels at home?—A. Yes, sir.

Q. About what time did you arrive in Florence?—A. About 9 o'clock a. m.

Q. Did you see Mars Daniels on the road or at Florence on that day?—A. No, sir.

Q. What time did you leave Florence to return home?—A. At 10½ o'clock a. m., by my watch.

Q. Did you go directly home from here?—A. Yes, directly home, sir.

Q. On reaching home did you find Mars Daniels there?—A. The same place I left him; he was there.

Q. What was he doing when you left home?—A. He was plowing his potatoes.

Q. What did you find him doing when you returned home?—A. He was still plowing his potatoes.

Q. What time did you reach home?—A. At 2 o'clock p. m.

Q. Did you walk or ride?—A. I rode, sir.

Q. Have you any reason to believe that Mars Daniels had left home at any time during that day?—A. No, sir. When I got home he asked me if I had voted, and how far Lot Cherry was behind.

Q. Do you know for whom he was working that day?—A. He was working for Lot Cherry.

Q. Did you ever hear Mars Daniels say that he voted on that day?—A. No, sir.

Q. Did you ever hear any one else say that he had voted on that day?—A. No, sir.

Q. Have you any idea how old he was?—A. I think he was old enough to vote, but he did not do it.

Cross-examination :

Q. Where did you go to when you left Florence?—A. I went directly home.

Q. How long did it take you to get home?—A. About one and a half hours.

Q. Did you go directly to where Mars Daniels was working?—A. Yes, sir.

Q. How far is it from here to that place?—A. Ten miles.

Q. What time did you leave Florence?—A. 10½ o'clock a. m., by my watch.

Q. You did not stop on the way?—A. No, sir.

Q. How is it that you remember the circumstance so clearly?—A. Because I had my watch.

Q. When was that election held?—A. On the 3d day of November before last.

Q. What was the day of the week?—A. I think it was a Tuesday.

Q. Do you know everything that Mars Daniels did that day and everywhere that he went?—A. I can't tell. I left him digging potatoes, and went back and found him doing the same.

his
MARS + HENERY.
mark.

Sworn to and subscribed before me on this the 12th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

UNITED STATES }
vs. }
ALBERT WHITE. }

Charge: Voting illegally, not being of age, at the election for Representative to Congress, November 3, 1874, at Florence precinct, Darlington County, South Carolina.

I hereby certify that the above case was before me on the 6th of April, 1876, and after due examination of the same the defendant was discharged on account of the insufficiency of the testimony. The evidence taken in the case is hereto attached, marked Exhibit A.

E. M. SEABROOK, [L. S.]

United States Commissioner.

April 8, 1876.

Exhibit A.

UNITED STATES } **Charge: Voting illegally, not being of age, at the**
vs. } **election for Representative to Congress, Florence**
ALBERT WHITE. } **precinct, Darlington County, South Carolina.**

Before E. M. Seabrook, United States commissioner, on April 6th,
1876.

JAS. A. HOWE, sworn, says he resides near Florence, in Darlington County; knows the defendant; that he was raised in his mother's family; belonged to her until he was made free by the war; has known him from childhood to the present time; says that he was born on the 17th day of august, 1854; says that witness was born on 1st of January, 1850. His knowledge of the age of defendant and of his own is derived from a book kept by his mother.

Cross-examined :

Witness says that he knows no fact of his own personal knowledge that fixes the age of defendant; says that the entry in the book referred to was made this year, by his mother; he saw her make the entry; this was taken from an old book; he did not see the entry, made in the old book, from which this was taken. The books referred to were produced in evidence.

J. A. HOWE.

ALBERT WHITE, sworn, says that he voted at the election for Representative to Congress in 1874, about July or August of the same year; he asked J. A. Howe how old he was; he said he did not know his age; he went then to J. A. Howe's mother, his former mistress, and inquired his age; she told him that she had lost her book of record, but that she judged his age by her son's age; that she was certain that deponent was born in August, 1853; deponent put his age down in his Bible, which was produced; witness voted openly at the election.

A. W. WHITE.

EMMA LEMMON, sworn, says that she is the mother of defendant ; says her son was born in August, 1853 ; she knows this from Mrs. Howe, her former mistress, who told her so ; says defendant was two years old when she married her present husband ; that she has been married to him twenty-two years ; she recollects the election in November, 1874 ; her son was twenty-one years of age then.

EMMA^{her} + LEMMON.
mark.

ABNER LEMMON, sworn, says that he knows the defendant; that he married his mother; that the defendant was about two years old when he married her; this is the twenty-second year of his marriage.

ABNER ^{his} + LEMMON.
_{mark.}

Subscribed and sworn to before me this 6th day of April, 1876.

E. M. SEABROOK, [L. S.]
United States Commissioner.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Darlington County :

I, Wm. J. Saunders, notary public in and for the State of South Carolina, do hereby certify that, in pursuance of the notices duly given and served upon the contestant personally, on the 3d day of April, A. D. 1876, the 8th of April, A. D. 1876, and the 11th of April, 1876, in the case of Samuel Lee, contesting the seat of Jos. H. Rainey, returned member of the Forty-fourth Congress of the United States of America, from the first congressional district of South Carolina, the above testimony, consisting of — pages, was duly taken in behalf of the said contestee, appearing by his counsel, E. Keith Dargan, esq., and the said contestant, by his attorney, Knox Livingston, esq.; that the within witnesses were duly sworn by me and testified before me as above written; which said testimony was written by me, as deposed by said witnesses, and subscribed to by them and each of them respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further testify that I have attached thereto Exhibit "A." I further testify that I have prefixed thereto the notices of contest; order of the Committee of Elections made in the above-entitled cause 28th of February, A. D. 1876, and attached notices aforesaid, with proof of service and subpoena writ.

In testimony whereof I have hereunto set my hand and official seal, at Florence, in the county of Darlington, State of South Carolina, this 17th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

CONTESTANT'S SUR-REBUTTAL.

LEE }
 vs. }
 RAINEY. }

Resolution of Committee on Elections allowing additional evidence.

COMMITTEE ON ELECTIONS,
February 28, 1876.

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee vs. Rainey, from the first district of South Carolina:

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and that Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey, and that said Rainey then have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

A copy from the record.

H. P. COCHRAN, *Clerk.*

Notice to take testimony at Florence.

SAMUEL LEE
 vs.
 JOSEPH H. RAINEY. } Contested election, first congressional district
 South Carolina.

To Hon. JOSEPH H. RAINEY, *Florence, S. C.*:

SIR: Please take notice that I will proceed to take sur-rebuttal testimony in the above-stated cause, under the order of the Committee of the United States House of Representatives passed February 28, 1876, before Wm. J. Saunders, notary public, at Florence, Darlington County, South Carolina, on Friday, April 14, 1876, at 10 o'clock a. m., to be adjourned from day to day. The following witnesses will be examined, viz: Dr. J. B. Jarrott, Dr. W. N. McPherson, C. E. Jarrott, Mrs. Phillis Parnell, and L. W. Gadsden.

Very respectfully,

SAMUEL LEE.

FLORENCE, S. C., *April 10, 1876.*

Service accepted this 10th day of April, 1876.

J. H. RAINEY.

Notice to take additional evidence.

SAMUEL LEE
 vs.
 JOSEPH H. RAINEY. } Contested election, first congressional district
 South Carolina.

To Hon. JOSEPH H. RAINEY,
Florence, S. C.:

SIR: Please take notice that during the taking of rebuttal testimony, to be begun on Friday, the 14th of April, 1876, at this place, notice of which was served on you the 10th instant, I will examine the following additional witnesses, citizens of Marion and Darlington Counties, South Carolina, viz: Mrs. M. F. Howe, Miss S. W. Kennedy, Knox Livingston, J. F. Ervin, E. M. Ervin, S. F. Ervin, W. C. Ervin, T. C. Crawford, J. A. Howe.

Very respectfully,

SAMUEL LEE.

FLORENCE, S. C., *April 13, 1876.*

I hereby certify that I served a copy of the within on Mr. Jos. H. Rainey, on this the 13th of April, A. D. 1876.

W. I. DE BOSE, *Constable.*

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Subpœna.

UNITED STATES OF AMERICA,
State of South Carolina, Darlington County:

To Mrs. M. F. Howe, Miss Sarah W. Kennedy, J. B. Jarrot, C. E. Jarrot, L. W. Gadsden, Mrs. Phyllis Parnell, S. W. Irwin, Dr. W. N. McPherson:

You are hereby summoned to appear before me at my office, in the

town of Florence, county of Darlington, on Friday and Saturday, 14th and 15th days of April, 1876, to testify before me in a contested-election case for member of Congress for the first congressional district of South Carolina, in which Samuel Lee is contestant, and Joseph H. Rainey is contestee.

Witness my hand and official seal this 11th day of April, A. D. 1876.
[SEAL.]

WM. J. SAUNDERS,
Notary Public.

I certify that I served the within subpoena upon the within-named witnesses.

W. I. DE BOSE, *Constable.*

Caption to depositions.

SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.	}	Contested election, first congressional district of South Carolina.
---	---	--

Depositions taken at Florence, S. C., on April 14 and *seq.*, 1876, before William J. Saunders, a notary public in and for the State of South Carolina, on the part of the contestant, the contestee and contestant both being present.

For contestant, Knox Livingston, esq.; for contestee, E. Keith Dargan, esq.

Deposition of M. F. Howe.

M. F. HOWE having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Q. Do you live in Darlington County?—A. Yes, sir.

Q. Do you know Albert White?—A. Yes, sir; he belonged to me once.

Q. Is he the son of Emma Lemon?—A. Yes, sir.

Q. When was Albert White born?—A. He was born on the 17th day of August, 1854, at about 1 o'clock p. m.

Q. Did you make a record of his age?—A. Yes, sir.

Q. Have you that record of his age?—A. Yes, sir.

Q. Have you that record with you?—A. Yes, sir.

Q. Did you make the entry yourself, and is that the entry?—A. Yes, sir.

Q. When did you make that entry?—A. Some little time after his birth.

(The record of his birth offered in testimony, of which the following is a true and correct copy:

“John, (his brother,) born February 10, 1828; Emma, (the mother of Albert,) 26th June, 1834; Albert, (her son,) 17th August, 1854; Harriet, (sister of Emma,) November, 1841; Charlie, (her brother,) 1843; Marion, (ditto,) 1847.”)

Q. Were all these parties born while in your possession?—A. None but Albert. The others came by my husband.

Q. Albert White, on being examined before the United States commissioner, Seabrook, testified that you told him that you were certain

he was born in August, 1853. Did you make any such statement?—A. No, sir.

Q. Did he ever apply to you before that time for his age?—A. I have not seen Albert for several years. Some years ago he did apply. I don't remember whether I gave him his age or not; if I did, I gave it from the book.

Q. Emma Lemon stated, at the same time and place, that her son was born in August, 1853, and that she obtained her information from you. Is that so?—A. I gave her no such information.

Q. Did your son, James A. Howe, carry the original book to Sumter to be used in the trial of Albert White for illegal voting, or a copy?—A. He carried the original book and also the copy.

Q. Is the book exhibited here in evidence the original book?—A. That is the original book; it shows its age.

Q. Do you know Waldron Howe?—A. Yes, sir.

Q. When was he born?—A. He was born July 15, 1854. My sister made the entry in the book. I know outside of the record that he was born at that time. My sister and myself were residing together in the same house. Emma was my seamstress, and Caroline, the mother of Waldron, cooked for us.

Q. This Waldron spoken of by you, was he the son of John Howe?—A. Yes, sir.

Cross-examination :

Q. Is not Albert White the only child of Emma Lemon?—A. He is the only one living. She only had one when she was emancipated.

Q. Has she any other child now?—A. No, sir; the other one is dead.

Q. Did you make all of the entries in this book that you call the original book?—A. I made all of the entries that belonged to my husband's estate, but my sister made all of those that belonged to her.

Q. Did you transcribe any of these entries from any other book?—A. No, sir. I had no other book. I put those coming from Charleston as my husband gave them to me, but Albert White was not born when they came.

Q. Will you please point out an entry in this book made by your sister?

(The witness refers to pages 3 and 4 of the original book.)

Q. Did you enter the birth of Marion?—A. I put the birth of Marion according to what my husband told me. He brought Marion from Charleston.

Q. Have you ever had occasion to correct any of these entries?—A. No, sir; I only put them down to know the ages of the negroes.

Q. Do you remember the name of Robert?—A. Yes; the name that precedes the names copied above.

Q. Did you ever correct his age in that book?—A. No, sir.

Q. Is not twenty—"two" erased and "first" inserted?—A. I don't remember of ever doing it. The month and the year is the same.

Q. Do you remember Charles, the son of Tina?—A. Yes, sir; he is living with us now.

Q. Did you ever correct in this book the year in which he was born?—A. No, sir, not according as it was given to me; I had some pale ink; I fixed it the same way, but no correction.

Q. Look at the book and say if the year, or the figure representing the year, has not been altered in pencil?—A. It is altered, but I did not do it.

Q. Did you make the entry of Albert White's birth the day and the year it occurred?—A. I can't tell whether I made it that day or not.

Q. Have you ever retouched with ink any of the entries in this book?—
A. No, not that I remember.

Q. Has not the figure "5" in 1854, the year of Albert White's birth, been recently retouched with ink?—A. No, sir; I have not had the old book in my hand.

Q. Do you not know that some other person retouched it?—A. No, sir, I do not.

Q. Is that figure as clear and distinct as the other figures in the year 1854?—A. Sometimes I have a very bad pen, and if it don't make a plain mark, I put it back and make it make one.

Q. Look at the book and state the year immediately preceding the entry of the age of Albert White?—A. It is the year 1834, the age of his mother.

Q. Look at the book and state the year next succeeding the age of Albert White.—A. It is 1841.

Q. Please state the two years following.—A. They are 1843 and 1847.

Q. Please state the next three years following.—A. They are 1840, 1843, and 1849.

Q. On the page preceding that on which Albert White's age is entered, are there not two corrections?—A. I don't know that they are corrected; they are made brighter.

Q. Has this book been carefully preserved by you since these several entries were made?—A. It is the same book, but cannot say that it has been carefully preserved, but it has been in my house; but I would know Albert's age if I had not had the book, by several other ages.

(The contestee demands that the original book, the subject of this examination, shall accompany the testimony in this case, in order that the committee may inspect its condition, and the erasures which precede the entry of Albert White's birth, and the figure 5 of the year of his birth.

The contestant, in reply to the foregoing, says that he has no power to send the original book with these depositions, it being the property of the witness, and over which he can exercise no control. He is willing and desires that the notary public should make a fair and true copy of the same, and for that purpose he makes profert of the book.

The contestee contends that no copy can properly represent the defects in the book contended for by him, and he demands, therefore, the page of the book to which the testimony of the witness refers.)

Redirect examination:

Q. Are you willing to part with this book?—A. No, sir. It is such a fright that it might produce discord, and I want to keep it because it is my own book.

Q. Will you please look again at the entry of Albert White's birth? Are there any erasures or interlineations or corrections?—A. I don't see any; here is the book.

Q. Does the entry "Albert, her son, 17th of August, 1854," in this book, appear as entered by you?—A. Yes, sir. Albert White was born the 17th of August, 1854.

Q. I find in the book that there are spaces between certain names.—
A. Because they are different families.

Q. State why the entries of Emma's family were made as they appear in this book?—A. Because John and Emma came up before Albert was born. Harriet, Charlie, and Marion came afterward.

Q. Aside from the record do you know Albert White's age?—A. I know Albert White's age, because I have an indelible remembrance of

the fact, as he was born in the yard adjoining the house in which I was living, and also the time of his birth.

Recross-examination :

Q. Will you say, without qualification, that Albert White was born at 1 o'clock p. m. ?—A. I say about 1 o'clock.

Q. Is your recollection of the time distinct ?—A. Perfectly.

M. F. HOWE.

Sworn to and subscribed before me on this the 14th day, 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of S. W. Kennedy.

S. W. KENNEDY, having been called as a witness for the contestant, was duly sworn and testified as follows, to wit :

Question. Are you a sister of Mrs. M. F. Howe ?—A. Yes, sir.

Q. Do you know Albert White ; and, if so, when was he born ?—A. Yes, sir ; he was born the 17th day of August, 1854.

Q. Were you and your sister living together when he was born ?—A. Yes, sir.

Q. Do you know Waldron Howe ?—A. Yes, sir ; he and his mother belonged to me.

Q. When was he born ?—A. He was born the 15th of July, 1854.

Q. In speaking of the births of these two parties, do you speak from your own actual knowledge ?—A. I do.

Cross-examination :

Q. In stating the age of Albert White, do you speak from memory ?—A. Yes, sir ; he was younger than Waldron.

Q. You never made a memorandum of Albert White's age ?—A. Yes, sir ; but I destroyed it.

Q. Independently of the record, is your memory distinct as to the exact day, month, and year of his birth ?—A. It is ; because we were always wanting to know how old they were when they were slaves. Waldron was his mother's fourth child.

Q. How many slaves did you own ?—A. About some twenty-five or thirty. My sister and self owned one hundred and five.

Q. Do you remember distinctly the exact date of the birth of your own slaves ?—A. I don't remember the ages of all, but I do of some ; for instance, Waldron's sister was born in May.

Q. Is not your recollection of the ages of your other slaves somewhat vague and uncertain ?—A. There were some of my slaves who were older than myself, and I never bothered with their ages ; they were given to me by my mother.

Q. Is your recollection distinct as to the ages of all your slaves younger than yourself ?—A. No, sir ; but Caroline was a favorite servant of mine, and her children's ages I remember very well.

Redirect examination :

Q. Is there any special reason why you remember Albert White's age ?—A. Yes. His mother was my sister's seamstress, and she was in the house.

S. W. KENNEDY.

Sworn to and subscribed before me on this the 14th day of April, 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of W. N. McPherson.

W. N. MCPHERSON, having been called as a witness for the contestant and duly sworn, testified as follows, to wit :

Q. When did you study medicine under Dr. Jarrot ?—A. I commenced first Monday in September, 1854, and remained with him until November of the year following. Attended one course of lectures during the time, and returned in March, 1856, and remained until November of the same year.

Q. Do you know a woman he had with him named Anna, now called Anna Williams ?—A. Yes, sir.

Q. How many children did she have at that time ?—A. She had only three—Joe Flaglar, Peter, and Doc.

Q. Did she have a child by the name of Charles ?—A. Not up to the time I left for Charleston.

Q. Was the child now called Charles McPherson, son of Anna Williams, born while you were there, or afterward ?—A. Not born while I was there. It was October, 1856, when I left there, and he was not born then.

Cross-examination :

Q. Do you give these dates from memory ?—A. I do, sir, and from my diploma also.

Q. Is your memory for dates good ?—A. Tolerably good.

Q. Do you know by what name the child of Anna Williams, referred to by you as Peter, now goes ?—A. Yes, sir.

Q. Have you been acquainted with him since 1856 ?—A. Yes, sir.

Q. Do you know the name by which the child referred to by you as Doc. goes ?—A. No, sir.

Q. Do you know of your own knowledge when Charles McPherson was born ?—A. Not the day and month. I know the year; it was 1857.

Q. Do you speak from memory ?—A. I do.

Q. Is your memory aided by any memorandum made at that time ?—A. Not in writing.

Re-direct examination :

Q. Were there not circumstances attending his birth that impressed it upon your mind ?—A. There were.

W. N. MCPHERSON, M. D.

Sworn to and subscribed before me on this the 14th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of C. E. Jarrot.

C. E. JARROT, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit :

Question. An effort has been made on the part of the contestee to prove that Charles McPherson was twenty-one years of age at the time of the last general election. Do you, of your own knowledge, know that he was not ?—Answer. To the best of my ability I believe that he was born between the years 1857 and 1858; I can't say positively, because I did not keep a record of his birth.

Q. Do you know that he was not born before 1856 ?—A. Yes, sir, I am positive of that.

Q. Do you remember when Dr. McPherson studied medicine under

your father; and, if so, was Charles McPherson born during the time he was there or after he left?—A. He was born after he left.

Cross-examination :

Q. I understand you to speak entirely from recollection?—A. I do, except as to whether the birth of the boy was before or after he (Dr. McPherson) left. I am positive it was after he left there.

C. E. JARROT.

Sworn to and subscribed before me on this, the 15th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Dr. J. B. Jarrot.

Dr. J. B. JARROT, having been called as a witness for the contestant and duly sworn, testified as follows, to wit :

Question. Charles McPherson, in his testimony heretofore taken in this case, stated that you told him, previous to the last general election, in a conversation had at or near the market-house, in the presence of John Nowland and Peter Black, that he was twenty-one years of age, and that he was born in 1853. Do you remember any such conversation?—Answer. Don't recollect anything about it, sir.

Q. Has he been to you recently to inquire about his age; and if so, when and where?—A. He asked me at the market-house, during this examination a few days since, whether I thought he was twenty-one years old. I told him I thought he was.

Q. Do you know whether or not he was twenty-one at the time of the general election?—A. I say that he could not have been, according to circumstances.

Q. To your certain knowledge between what periods was he born?—A. Between the years 1856 and 1859.

Q. Do the circumstances alluded to above refer to his paternity?—A. Yes, sir.

Cross-examination :

Q. Were John Nowland and Peter Black present at your conversation with Charles McPherson?—A. There were some other parties there; I don't recollect who they were.

Q. Do you remember any other conversation?—A. No, sir.

Q. Is your memory good?—A. It is not good; not any worse than the generality.

J. B. JARROT.

Sworn to and subscribed before me, on this the 15th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of S. F. Ervin.

S. F. ERVIN, having been called as a witness for the contestant and duly sworn, testified as follows, to wit :

Question. Are you a citizen of this county?—Answer. Yes, sir.

Q. Do you know Mars Daniels?—A. Yes, sir.

Q. Was he in your employ during the year 1874?—A. Yes, sir.

Q. Where was Mars Daniels during that day?—A. At my place in the morning. He left work with the rest of my hands. I did not see him go off. They all said they were going to vote.

Q. Did he work any more that day?—A. He did not work for me.

Q. Did Mars Daniels tell you that he came here on the day of the last general election?

(Objected to as hearsay.)

A. Yes, he did.

Q. When the constable summoned Mars Daniels to testify on behalf of the contestee, did he run off?

(Objected to as not in rebuttal of the rebuttal testimony.)

A. Yes, he did; he went across the swamp.

Q. Did he not then and there state to you that he came to Florence on the day of election?

(Objected to as a leading question and as hearsay.)

A. Yes, he did.

Q. Do you know Lot Cherry?—A. Yes, sir.

Q. Did Lot Cherry ever say anything to you about Mars Daniels being in Florence on the day of election?—A. Yes; he repeated what Mars said, to wit, that he was here on the day of the election, but that he (Mars) did not vote.

Q. Did he (Cherry) state why Mars did not vote?

(Objected to as hearsay, and because the witness, Lot Cherry, was not advertised of the time, place, and conversation with the witness now introduced to contradict him.)

A. He said he did not vote because his mother made him promise before he left home that he would not.

Q. When was it that this conversation between you and Cherry took place?—A. It was on the 4th of April.

Q. The name of Mars Daniels appears upon the poll-list as voting at this place; do you know any other Mars Daniels?—A. I do not.

Cross-examination:

Q. Did Mars Daniels vote at the last general election?—A. I do not know; I was not here.

Q. Did he ever admit to you that he had voted?—A. I don't recollect of his having told me.

Q. Do you know that he came to Florence to vote that day?—A. I don't know it.

Q. Did he not tell you that he did not vote?—A. I don't recollect that he told me so. Lot Cherry told me that he, Mars Daniels, did not vote.

Q. Does Lot Cherry live on your plantation?—A. Yes, sir.

Q. Do you know of your own knowledge that Mars Daniels left the plantation that day?—A. I did not see him off the place. I saw him in the morning, but did not see him any more during the day.

Q. Where does Lot Cherry work?—A. It is about two miles from our dwelling on the other side of the swamp.

S. F. ERVIN.

Sworn to and subscribed before me on this the 14th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of L. W. Gadsden.

L. W. GADSDEN, a witness for the contestant, having been called and duly sworn, testified as follows, to wit:

Question. Mars Daniels upon his examination heretofore in this case, as a witness for the contestee, testified that he did not tell you that he had voted at the last general election. Is that so?—Answer. No, sir; he did tell me that he had voted the Chamberlain and Rainey ticket. I asked him if he was of age; he said no. I asked him why did he vote; he said that some men forced him to vote after he got in Florence. I told him to tell the truth about it and no one would hurt him. I told him that he would get 75 cents when I summoned him as a witness. I told every one that I summoned that they would get 75 cents per day as witnesses. After coming to Florence I heard him make the same statement, that he had voted the Chamberlain and Rainey ticket at Florence, to Mr. Lee, and to his attorney, Mr. Livingston. I heard also Albert White and Edmund Daas tell Mars Daniels that he would get in trouble if he testified that he had voted under age. I called Mr. Lee's attention to it, and he called the attention of the notary public to it, when one of the parties above referred to (Edmund Daas) said that "was not all he intended to do."

Q. Did you see any one else talking to him; and, if so, what did they say?—A. I saw Lot Cherry, West Williams, and others speaking to him. On that time B. F. Whittemore came into the ante-room of the office where this testimony was being taken, when Mr. Rainey went out to speak to him, when Lot Cherry followed Mr. Rainey; went up to Mr. Rainey and Mr. Whittemore and said something, I could not hear what it was, and called Mars Daniels out of the office of the notary public and told him to "go on down." I followed and asked him where he was going. He answered that he was going down stairs. I followed him and carried him back.

Q. Did you see Albert White and Edmund Daas tampering with other witnesses summoned by Mr. Lee when he took his first testimony at this place?

(Objected to as not in rebuttal of the rebuttal testimony.)

A. Yes; on the 29th of March Mike Deason, Josephus Jordan, David Phillips, Sutton Stephenson, and Jesse Windham, whom I had summoned, came to Florence for the purpose of testifying for the contestant. They got to the office before the officer had begun taking testimony, when Edmund Daas and Albert White came and carried them from the office and told them to go back home; that they could not be compelled to appear as witnesses. I went after them and told them that they had been summoned to appear and testify, and if they went away before they got through with them that they would get themselves in trouble. Edmund Daas told them, "Never mind about the trouble; that there was plenty of money to back them." They succeeded in keeping the witnesses away from the office until late in the evening. I saw Mr. Rainey talking with Albert White and Edmund Daas, and I saw Mr. Rainey give them money, when Albert White said to the witnesses, "Come on, men, and get something to drink," and saw them go into Mr. Kuker's store, and I saw them drinking there.

Q. Was not the witness Sutton Stephenson drunk the same evening when he testified?—A. He appeared to be.

Q. Were not Lot Cherry, Albert White, and Edmund Daas conspicuous partisans of Mr. Rainey before and since the election?—A. Albert

White and Edmund Daas were before and since. Cherry has been since.

Q. Was Mr. Whittemore a candidate for any office at the last general election; and, if so, on what ticket?—A. He was candidate for senator on the Chamberlain and Rainey ticket.

Q. Mars Daniels, in his testimony as a witness for the contestee, stated that you asked him if he had voted; that he told you no; when you said to him that if he would say that he had voted you would pay him, and that you offered to pay him one dollar to make such a statement. Is that so?—A. No, sir; I never mentioned one dollar to him. When he told me that he was forced to vote, though under age, I told him, "That is right; tell the truth. I don't want anything else," and that his per diem would be seventy-five cents as a witness.

Q. Thomas Jefferson, in his testimony as a witness in behalf of the contestee, stated that he told you that he did not vote at the last general election, and that he made this statement in the presence of Phillis Parnell; is that correct?—A. No, sir; he told me shortly after the election that he did vote, and before the election that he intended to vote.

Q. This witness also stated in his testimony that you had offered him two one-dollar bills to testify that he had voted; is that correct?—A. No, sir. On Sunday morning, just before this contest, he came over to my house, and Mr. Lee and myself were looking over the poll-list of the Florence precinct. I said to Mr. Lee, "There is Thomas Jefferson." Mr. Lee asked him did he vote at the last general election. He shook his head, and said no. We then commenced looking over the poll-list of Florence precinct, when we came to the name of Mars Daniels, when Jefferson remarked "That boy is not of age; I thought so when he voted." We both asked Jefferson if he had seen Daniels vote. He said yes. [Objected to as hearsay.] He also told us that a number of boys voted at Darlington Court-House, and came here and voted also. We asked him to tell us their names. He said he could not remember them just now. He then went over to his grandmother's house. I followed him, went into his room, and asked him again for the names of those boys. He replied, "No, I can't recollect them. I think Mr. Lee ought to give me a dollar for the one I've already told him." I said, "You ought not to charge for telling those boys' names." He replied, "There is a heap of money in it; if Mr. Rainey gets it, he'll get money, and if Mr. Lee gets it, he'll get money." I said, "Can't you find out those boys' names? Don't you know where they live?" He said, "Yes, I know them all." I asked him to go out, then, and find out their names for me. He replied that he would if we would pay him. I told him if he would go we would pay him; that I had no money just then, but we would pay him for his trouble. He said, "I must have some money now, for I want to buy an ox." His ox had given out. I then asked him how much he wanted. He said he wanted as much as we could let him have. I said, "I told you I had no money then, but I have \$2," and, pulling it out, I handed it to him, and just as he was in the act of taking it, his grandmother hailed him, and said, "I hear you, you rascal, you," and said, "You take that one-eyed ox, and go and sell him for \$10, and buy you another ox. If ever I catch you selling yourself again I'll kill you." When he laughed, and said to me, "I am hard up." That ended the conversation on that day.

Q. Who was present when this conversation took place?—A. No one was in the room with us, but his grandmother was in another room; and

just before we got through the conversation, my mother and wife stepped in.

Q. Where is your wife now, and what is her condition?—A. She is at home, sick, in child-bed.

Q. Have you stated fully the only conversation that occurred between you and Thomas Jefferson in regard to money?—A. I think I have.

Q. Do you deny positively having offered him \$2 to say that he voted illegally?—A. I do.

Q. In consequence of the conversation which you had with him, did he go to see Mars Daniels?—A. He did. He came to my house on a Tuesday morning, after having gone to see Mars Daniels on the preceding Monday, and told me that he had seen Daniels, and that he was a large man, larger than myself, had more beard, and said that Mars Daniels said that he had voted, and that his mother had said that he (Mars) was twenty-three.

Q. Was Thomas Jefferson a member of any club during that campaign?—A. He was a member of the Wide Awake Club.

Q. Who organized those clubs, and what ticket were the members pledged to support?—A. R. H. Humbert organized the one to which Thomas Jefferson belonged, and the members of that club were pledged to support the Chamberlain and Rainey ticket.

Q. When did this conversation in regard to Mars Daniels take place; what day of the week?—A. On a Sunday morning.

Q. Did you have any conversation with him relating to these matters on any Friday or Saturday night?—A. I did not. Mr. Lee did not get here until 1½ o'clock a. m., (night,) on Saturday. He, Jefferson, was not at my house on Saturday night.

Cross-examination :

Q. Did you belong to the Wide Awake Club of which you say that Thomas Jefferson was a member?—A. I did not. I went there for the purpose of joining. I was a Green and Lee man, and they would not allow me to join, because I would not pledge myself to support the Chamberlain and Rainey ticket. Thomas Jefferson was among the first that said I ought not to be allowed to join, because I was not a Chamberlain and Rainey man.

Q. Did you ever visit that club any more?—A. No, sir; they wanted to mob me there that night.

Q. You were a partisan, then, of the Green and Lee ticket?—A. Yes, sir; I supported that ticket.

Q. You have been actively engaged in assisting Mr. Lee in this contest?—A. Yes, sir; I have gone about in the country with Mr. Lee, who knew nothing of the country.

Q. Have you not assisted him in getting witnesses?—A. He showed me the poll-list, and would tell me that he wanted to find such and such a person, and I would tell him if I knew where they were, and would carry him there.

Q. Have you not subpoenaed his witnesses?—A. I have been made constable by the notary public to do so, sir.

Q. Were you not appointed by the notary public at the request of Mr. Lee?—A. I don't know, sir.

Q. Has not Mr. Lee been your guest?—A. He boards at my house.

Q. Have you not consulted daily with Mr. Lee in regard to his case?—A. Not particularly.

Q. Have you not assisted him to the best of your ability to make out his case?—A. I have, sir, as far as right and truth goes.

Q. Have you not been more active and zealous than any others of his friends?—A. I have, sir. He hasn't many colored friends here at this place. They have tried to fight him since he has been here.

Q. I understand you to admit that you did offer Thomas Jefferson \$2 to give the names of certain voters?—A. Yes, sir; he said he would not do it without pay.

Q. Where and when did you make him that offer?—A. It was asked for on a Sunday morning at his grandmother's house.

Q. What is the name of his grandmother?—A. Charlotte David.

Q. Has she testified in this case?—A. I heard so; I was not here when she testified.

Q. What did she say to Thomas Jefferson at the time you offered him the money?—A. She did not know that I offered him money, but upon hearing him ask me to pay him to find out the names of those boys, she told him that if she caught him at that again she would kill him; she said to him, "Go and sell that old ox, and get him another."

Q. Were those her exact words?—A. As near as I can recollect, sir.

Q. Where and when did Thomas Jefferson tell you that he voted?—A. He told me so shortly after the election, in my house.

Q. Did he tell you voluntarily?—A. Yes, sir.

Q. You are connected with him in some way, are you not?—A. He is my step-father's nephew.

Q. Did he know that you knew his age?—A. Don't know whether he did or not. I disputed him when he said he voted, because I knew he was not old enough to vote, but he stated that he had voted.

Q. Can't he read and write?—A. He can.

Q. When and where did the conversation about the \$2 take place?—A. In his grandmother's house. We were in one room and she was in another.

Q. Were you present when Mars Daniels was called to testify for the contestant at the examination-in-chief?—A. Yes, sir.

Q. Did you hear him tell Knox Livingston, esq., attorney for the contestant, then and there, that he did not vote at the last general election?—A. About an hour or so before he was called on the stand he told Mr. Lee and Mr. Livingston that he had voted, but between that time and the time he was called to testify he was tampered with by Edmund Daas and Albert White. When they told him not to acknowledge that he had voted, that if he did he would be put in the penitentiary, it scared it all out of him. After the foregoing he was called by Mr. Livingston, who showed him the Chamberlain and Rainey ticket and asked him if that was the ticket he had voted. He answered "No; that he had voted no ticket at all."

Q. Were you not a witness for the contestant at the examination-in-chief?—A. I was.

Q. Did you then testify concerning the tampering with witnesses?—A. No; I was not asked anything about it.

Q. You, of course, then knew the facts of which you have testified?—A. Yes, sir. I told Mr. Lee of it, when he called the attention of the notary to the fact. The notary instructed them to desist.

Q. Notwithstanding this fact you were not examined in regard to it?—A. No, sir.

Q. Were you examined in regard to tampering with Sutton Stephenson?—A. I am not certain, but think that I was.

Q. Where do Sutton Stephenson and the other witnesses referred to by you in connection with him live?—A. On Mr. Gibbs's place, in Marion County.

Q. Was not Sidney Rueford in that party?—A. No, sir; he lives in Darlington County now, but lived in Marion at the time of the election.

Q. Are citizens of Marion County compellable to appear before the notary public taking testimony in this matter in Darlington County?—A. No, sir; those men were not compelled. They said they would come.

Q. Did they come and testify?—A. They did come, and some of them testified.

Q. Were they examined in regard to being tampered with?—A. I don't recollect whether they were or not.

Q. Before they were examined did you not communicate to Mr. Lee what you knew in regard to their being tampered with?—A. Yes, sir.

Q. When Mr. Rainey was talking to Mr. Whittemore on the occasion referred to by you in your examination, I understand you to say that you did not hear what Lot Cherry said when he joined them in the ante-room?—A. I did not hear what he said.

Q. Did you hear Mr. Rainey say anything to Lot Cherry?—A. No, sir.

Q. To whom did Mr. Rainey give the money at Kuker's store, as referred to by you?—A. It was not at Mr. Kuker's store where the money was given; it was in the street between the market-house and Mr. Gilbert's store; it was given to Albert White and Edmond Daas.

Q. Upon your oath, will you swear that you saw Mr. Rainey give those men money that day?—A. I will; have already done so.

Q. How much money did he give them?—A. I do not know.

Q. Did he give each one of them money?—A. No, sir; he only gave one of them money; both were together talking to him.

Q. Was not Thomas Frazer the man he gave it to?—A. No, sir; I did not see Thomas Frazer that day.

Q. Why did you not testify to these things when you were examined in chief for the contestant first in this case?—A. I was examined before that time.

Q. Did you tell Mr. Lee these things before his examination-in-chief first in this case had ended?—A. I did, sir.

Q. Why were you not recalled to testify thereto?—A. I don't know, sir.

L. W. GADSDEN.

Sworn to and subscribed before me on this the 15th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Mrs. Phillis Parnell.

Mrs. PHILLIS PARNELL, having been called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Q. Thomas Jefferson, in his examination-in-chief as a witness for the contestee in this case, stated that he had told you that he had never voted. Is that the truth?—A. No, sir, it is not.

Q. Has he told you that he had voted at the last general election, and how he voted?—A. Yes, sir; he told me that he had voted the Chamberlain ticket through.

Q. Did you hear any conversation between L. W. Gadsden and Thomas Jefferson at the house of Charlotte David? and, if so, state what it was.—A. Lemuel told Thomas that he wanted to know those boys' names whom he said had voted under age. Thomas said, "Pay

me \$1 for the one I have already told you about before I tell you any more." Then Lemuel said, "Call the names of the others, and I will give you \$2," when his grandmother hailed him and said: "You rascal, you! Don't sell yourself. Take that one-eyed ox and go and sell him for \$10, and go and get you another."

Q. Did you hear L. W. Gadsden on that occasion offer Jefferson \$2 to say that he had voted?—A. No, sir.

Q. Where were you when you heard this conversation?—A. I was in Mrs. Charlotte David's bed-room—myself and Mrs. Gadsden.

Q. On what day of the week did this conversation occur?—A. Sunday afternoon.

Q. Did you ever hear a conversation between Jefferson and Gadsden on a Friday or Saturday night?—A. No, sir.

Q. Were you present when Mr. Lee and Mr. Gadsden had the poll-list, when Jefferson pointed out the name of Mars Daniels?—A. Yes, sir; it was on a Sunday morning, at my house.

Q. Was that the same day on which the conversation about the \$2 occurred?—A. Yes, sir. I mean that the conversation at my house about Mars Daniels occurred in the morning, and that about the \$2 was at Mrs. Charlotte David's house in the afternoon.

Q. Have you ever heard Thomas Jefferson say that he had belonged to the Wide-Awake Club?—A. Yes, sir; I have heard him say so often.

Cross-examination:

Q. Are you connected with Thomas Jefferson?—A. I married his uncle.

Q. Did he tell you voluntarily that he had voted?—A. Yes, sir.

Q. Did he know that you knew his age?—A. No, sir.

Q. Were you present at his grandmother's when the conversation about the \$2 occurred between Thomas Jefferson and L. W. Gadsden?—A. I was.

Q. Have you repeated the exact words used by Thomas Jefferson?—A. What I heard.

Q. And the same used by his grandmother?—A. Yes, sir.

Q. Are you the mother of L. W. Gadsden?—A. Yes, sir.

Q. Has Mr. Lee been staying at your house since he commenced taking testimony here?—A. He was boarding there; he was taking his meals there.

Q. What time of the day on Sunday did the conversation about the \$2 take place?—A. Can't tell the hour of the day, but it was after dinner; I call it afternoon.

Q. In what part of the house were you when this conversation took place?—A. I was in his grandmother's bed-room.

Q. Who was in there with you?—A. Mrs. Gadsden and Mrs. David.

Q. Who is Mrs. David?—A. Thomas's grandmother.

Redirect examination:

Q. How long had Gadsden been there before you came?—A. Not very long.

her
PHYLLIS + PARNELL.
mark.

Sworn to and subscribed before me on this the 15th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of Knox Livingston, esq.

KNOX LIVINGSTON, esq., attorney for the contestant, was here put upon the stand, and, having been duly sworn, testified as follows, to wit:

Question. Did you have any conversation with Mars Daniels in the town of Florence at the time Mr. Lee took his testimony first in this case? —Answer. A man whom I was told was Mars Daniels stated to me, upon my questioning him, that he had voted at the last general election. Soon after he told me this, L. W. Gadsden informed Mr. Lee and myself that certain parties were tampering with the witnesses, when the attention of the notary public was called to the fact.

After finishing the examination of the witness then on the stand, I called Mars Daniels to be sworn. Before being sworn I showed him the ticket known as the Chamberlain and Rainey ticket, and asked him if he voted a ticket similar to that. He then stated that he had not voted at all, when, of course, I did not put him on the stand. I am attorney for the contestant in this case and preferred not going upon the stand, but my client insisted upon my doing so.

KNOX LIVINGSTON.

The contestee's counsel did not desire to examine the witness.

Sworn to and subscribed before me on this the 15th day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Darlington County :

I, Wm. J. Saunders, notary public in and for the State aforesaid, do hereby certify that, in pursuance of the notices duly given and served upon the contestee personally on the 10th day of April, A. D. 1876, and another on the 13th day of April, A. D. 1876, in the case of Samuel Lee contesting the seat of Joseph H. Rainey, returned member of the Forty-fourth Congress of the United States of America, the above testimony, consisting of — pages, was duly taken in behalf of said contestant, appearing by his counsel, Knox Livingston, esq., and the said contestee, by E. Keith Dargan, esq., his attorney; that the within-named witnesses were duly sworn by me, and testified before me as written, which said testimony was written by me as deposed by said witnesses, and subscribed to by them and each of them respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further certify that I have prefixed thereto the notices of contest, answer of contestee, order of the Committee of Elections made in the above-entitled cause 28th of February, A. D. 1876, and attached notices aforesaid with proof of service and subpoena writ.

In testimony whereof I have hereunto set my hand and official seal, at Florence, in the county of Darlington, State of South Carolina, this 17th day of April, A. D. 1876.

WM. J. SAUNDERS,
Notary Public.

LEE }
 vs. }
 RAINEY. }

Resolution of Committee of Elections allowing additional evidence.

COMMITTEE OF ELECTIONS,
 February 28, 1876.

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee vs. Rainey, from the first congressional district of South Carolina:

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey; and that said Rainey shall have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

A copy from the record.

H. P. COCHRAN, *Clerk*.

Notice to take testimony at Darlington.

SAMUEL LEE }
 vs. } Contested election. First congressional district,
 JOSEPH H. RAINEY. } South Carolina.

To Hon. JOSEPH H. RAINEY,
Florence, Darlington County, South Carolina:

SIR: Please take notice that, under the order of the Committee of Elections of the United States House of Representatives, made February 28, A. D. 1876, I will proceed to introduce and examine before W. J. Saunders, notary public for Darlington County, South Carolina, at Darlington Court-House, S. C., on Saturday, the 1st day of April, A. D. 1876, at 10 o'clock a. m., to be adjourned from day to day till completed, the following-named witnesses, citizens of Darlington County, in the first congressional district of South Carolina, viz: G. W. Dargan, F. C. Floyd, J. J. Ward, J. F. Early, H. M. K. Dargan, James M. Brown, Sylvester Perkins, Benjamin Watson, E. J. Johnson, Robert DuBose, and Antrim McIver.

Very respectfully,

SAMUEL LEE,

FLORENCE, S. C., March 27, 1876.

Service accepted this 27th day of March, A. D. 1876.

J. H. RAINEY.

Subpœna.

THE UNITED STATES OF AMERICA,
State of South Carolina, Darlington County :

To J. J. Ward, G. W. Dargan, F. C. Floyd, J. T. Early, H. M. Dargan,
 Jas. M. Brown, Sylvester Perkins, Benj. Statson, E. J. Johnson, Rob't
 DuBose, and Antrim McIver.

You are hereby summoned to appear before me, at the office of J. J. Ward, in the town of Darlington, Darlington County, on Saturday, the 1st day of April 1876, to testify before me in a contested-election case for member of Congress from the first congressional district of South Carolina, in which Samuel Lee is contestant, and Joseph H. Rainey is contestee.

Witness my hand and seal this 25th day of March, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

I certify that I served the within subpœna ad testificandum upon the persons named.

W. J. DuBOSE,
Constable.

SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.	}	Contested election. First congressional district, South Carolina.
---	---	--

For contestant, J. J. Ward, esq.; for contestee, E. Keith Dargan, esq.
 Testimony taken before William J. Saunders, notary public for the State of South Carolina, at Darlington Court-House, in the county of Darlington, and within the first congressional district of the State of South Carolina, in the matter wherein Samuel Lee contests the seat of Joseph H. Rainey in the Forty-fourth Congress of the United States, from the first congressional district of South Carolina, in pursuance of notice dated March 27, 1876, and served on the contestee, personally, March 27, 1876, said contestant appearing in person and by his attorney, J. J. Ward, esq., and said contestee by his attorney, E. Keith Dargan, esq., this 1st day of April, A. D. 1876.

Deposition of J. J. Ward.

J. J. WARD, being put upon the stand as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. I am.

Q. Were you one of the United States supervisors at the polls at Darlington Court-House at the last general election?—A. I was. At poll No. 2, I acted as supervisor of election.

Q. Did you make any challenges of persons voting illegally?—A. Yes; I made several challenges.

Q. What were their names, and the circumstances under which they were challenged?—A. I cannot now remember the name of any but one person. His name was Stephen Woods. He I knew to be under age.

Q. Please state how you knew Stephen Woods to be under age.—A. Stephen Woods was indicted for petit larceny. I defended him. During the progress of the trial he and his parents both swore that he was sixteen years of age.

(Objected to, as the records or notes of testimony are the best evidence.)

Q. Were there any notes of evidence taken?—A. There were no notes of evidence taken, it being in a trial-justice's court. The officer's name was J. G. Gatlin.

Q. When was the trial?—A. About two years before the last general election.

Q. When he attempted to vote, did you apprise him of the fact of his not being of age; and, if so, what did he say?

(Objected to as hearsay.)

A. When he came up to vote, I informed him of what he and his parents had said at the trial. He did not deny the fact, but said he was willing to take the oath; that he intended to vote; and thereupon did vote, a ticket having been handed to him from the table by some person, which he put in the box.

Q. Did you see the ticket that he voted, and, if so, for whom did he vote for Congress?—A. I saw the ticket. He voted the Chamberlain and Rainey ticket.

Q. Have you ever seen his father since the election?—A. I have. His father told me that he was under age, and that he tried to persuade him not to vote.

Q. Do you know of any other illegal vote cast on that day? And, if so, state the circumstances and the person.—A. There was a party voted there by the name of Collin Williamson. [This question and answer were objected to on the ground that the poll-lists were the best evidence.] He was not challenged when he came up to vote that day, as he had the appearance of being old enough; and I was, therefore, under the impression that, being twenty-one years of age, he should be allowed to vote, there being no reason given at the time to think otherwise, so that he voted; but I have since learned from himself and his father that he was a minor at the time, and was not of age by six months. [Objected to as hearsay.] I also asked him how he voted, and he said that he voted as the rest of them did, and voted because his father asked him to.

(Objected to as hearsay.)

Q. Who had he reference to by the words "rest of them"?—A. His father was a colored man named George Williams, and was a supporter of the Chamberlain and Rainey ticket.

Q. From the complexion and political feeling, for whom would you say the colored people in the county voted for Congress?—A. Their vote was almost a unit for the Chamberlain and Rainey ticket. At that precinct they voted openly, there being parties standing there who insisted that they should show their vote, the reason being assigned that they might be imposed on unless they showed their vote to parties who could read. What I meant by open ticket was that the ticket was handed to them by parties at the polls, but the ticket was folded there and then put in the box.

Q. Were those parties, referred to as requiring these men to show their vote, partisans of the Green and Lee or Chamberlain and Rainey ticket?—A. Chamberlain and Rainey ticket.

Q. Do you know any incident where parties were prevented from voting as they desired?—A. I can call to mind one instance, when Mr.

McMuldrow came in with a colored man, who left Mr. McMuldrow's buggy and started for the polls; when he got near the polls several parties approached him, and presented him with a ticket; he informed them that he had one, and they asked him to let them see it; he told them that it was all right, he reckoned; they further insisted, when he produced the ticket and showed it to them; it was a Green and Lee ticket; they took it out of his hand, but not violently, and gave him a Chamberlain and Rainey ticket, and then they went with him to the polls, when he voted the ticket they gave him. The fact that Mr. McMuldrow had attempted to get that man to vote the Green and Lee ticket came near producing a disturbance; they were excited considerably.

Cross-examined:

Q. Do you know, of your own knowledge, the age of Stephen Woods?—

A. I do not, sir; my knowledge was only derived from the circumstances I previously related, as occurring in trial of Stephen Woods for petit larceny.

Q. Did you make any memorandum of the date of the trial referred to by you?—A. I did not.

Q. Did you make any memorandum of the testimony referred to by you?—A. I did not.

Q. Is it not the practice of trial-justices to take notes of testimony?—

A. I think it is of some, sir; but this was a trial by jury, the trial-justice remarking that, "Gentlemen of the jury, you can hear the evidence and determine the matter." [Objected to by the contestee as hearsay.] I also add that my experience in trial-justices' courts is, that they rarely take down testimony when the trial is by jury.

Q. Did you administer the oath to this voter?—A. I saw it done, sir.

Q. Do you remember distinctly of seeing the name of Jos. H. Rainey on the ticket which he voted?—A. The ticket which he voted had Jos. H. Rainey's name on it.

Q. Did you read that name on that identical ticket?—A. Can't say that I did. I just simply glanced at the ticket and saw that it was the ticket that I stated.

Q. When you state that the name of Joseph H. Rainey was on this ticket, do you not judge from the general appearance of the ticket and its location on the table?—A. I do not. My special attention was called to this party voting, and I told him that I intended to indict him for perjury, and I saw how he voted.

Q. State the names of the various persons on that identical ticket.—

A. The ticket was the republican ticket, with Chamberlain for governor, Gleaves for lieutenant-governor, Rainey for Congress; don't remember the names for State supervisors; my impression is that the republican ticket had no names for supervisors on it; Whittemore for State senate, Smith, Keith, Rush, and Humbert for representatives, Gordon, Welsh, and Brockington for county commissioners, Jonathan Wright for clerk. Those were the nominees on the republican ticket, and that was the ticket that this man Stephen Woods voted.

Q. Is your foregoing answer based on your general recollection of similar tickets or upon your distinct recollection of the identical ticket voted by Stephen Woods?—A. On both, I think. I noticed carefully the ticket he voted. I cautioned him carefully about the matter. I told him I intended to indict him, and I did have it done.

Q. Has he been convicted?—A. He has not; he was put in jail, but broke out.

Q. Do you know the age of Collins Williams?—A. I do not. All

knowledge that I have of his age is what I have previously stated, as derived from himself and father.

Q. Do you know for whom he voted for Congress?—A. I do not, only from what he said himself. I do not recollect; if I ever knew, I do not now. My attention was not called to his case as it was to Stephen Woods's.

Q. Was any violence used toward the person who came with McMuldrow?—A. None that I saw; the greatest trouble seemed to be against Mr. McMuldrow.

Q. Was not the crowd around the polls in a good humor?—A. They were; they had things their own way.

Q. Are you the counsel for the contestant?—A. I am at this time and place.

J. J. WARD.

Sworn to and subscribed before me on this the 1st day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS.
Notary Public.

Deposition of G. W. Dargan.

G. W. DARGAN, being called as a witness for the contestant, and after being duly sworn, testified as follows, to wit:

Q. Are you a resident of Darlington County?—A. I am.

Q. What is your profession?—A. Lawyer.

Q. Were you engaged in the prosecution of Stephen Woods, for petit larceny?—A. In August or September, 1872, I was engaged in the prosecution of a colored boy going by the name of Stephen Woods.

Q. What kind of a court was that?—A. Trial-justice's court.

Q. Do you remember the testimony adduced in his behalf that day by himself and his parents?—A. I do; he swore, and so did a man and woman claiming to be his parents, that he was sixteen years old, either on the April or May preceding the trial, or that he would be sixteen years old on the April or May succeeding the trial.

(Objected to as hearsay, notes of testimony being the best evidence.)

Q. Was that in testimony adduced in his behalf?—A. It was.

Q. Do you remember that the appearance of that young man was or not youthful?—A. He looked about sixteen years old; I took him to be about that age.

Q. What time was the trial?—A. August or September, 1872.

Q. Have you occasion particularly to remember this trial?—A. I have.

Q. Please state them.—A. I had just been admitted to the bar, in June, 1872, and this was either the first or the second case I had ever managed.

Q. Do you remember whether there were notes of testimony taken at the trial on that day?—A. I cannot say positively; I do not think any notes were taken.

Q. Don't you remember that we had two trials of that matter?—A. I do.

Q. One of those trials before the trial-justice alone, and one by the jury?—A. They were.

Q. Do you refer in your testimony to the trial before jury?—A. I do, to the best of my recollection.

Cross-examined :

Q. In the trial by the trial-justice were notes of testimony taken?—A. I cannot say positively; my impression is that notes were not taken on either occasion.

Q. Is your recollection of the testimony referred to by you stated from memory or from memorandum?—A. From memory.

Q. Is your memory good?—A. It is so considered by you; as to dates it is not very good. I have additional reasons for remembering these facts. I am satisfied it was either in August or September, 1872.

G. W. DERGAN.

Sworn to and subscribed before me on this the 1st of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of R. E. Du Bose.

R. E. DU BOSE, being called as a witness for the contestant, after being duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County, Mr. Du Bose?—Answer. I am.

Q. Do you know Moses Wilds?—A. Yes, sir.

Q. What is his age?—A. I don't know his age only from circumstances. He worked for me in 1874; he said then that he was not old enough to work the roads; he worked in my brother's place.

(Objected to as hearsay.)

Q. Do you know how old they are to work the roads?—A. Eighteen years old—or that was the age at which they were warned out to work the roads.

Q. Do you know Shederick Du Bose?—A. I know Shederick that belonged to my grandmother, but don't know him by the name of Du Bose.

Q. How old was he?—A. Don't know how old he was except from a book my grandmother kept the ages of the negroes in.

Q. Have you the book?—A. Yes. This book shows he was born on the 2d of March, 1855.

(Objection to introduction of the book until the entries are proven.)

Q. In whose handwriting is this entry made?—A. In that of my mother.

Q. Have you ever seen the name of Shederick Du Bose on any poll-list?

(Objected to, the poll-list being best evidence.)

A. I have.

Q. Do you know the date of the election at which this poll-list purported to have been made?

(Objected to, the poll-list being the best evidence.)

A. The last general election.

Q. Did you see the name of Moses Wilds on that list?

(Objected to on same ground.)

A. I did.

Q. Are Moses Wilds and Shederick white or colored?—A. Colored.
R. E. DU BOSE.

Sworn to and subscribed before me on this the 1st of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Deposition of F. C. Floyd.

F. C. FLOYD, being called as a witness for the contestant, and having been duly sworn, testified as follows, to wit:

Question. Are you a citizen of Darlington County?—Answer. I am.

Q. Do you know Fletcher Howard?—A. I do.

Q. Where did he come from?—A. Flair Bluff, N. C.

Q. What time did he come here?—A. Came here last summer one year ago.

Q. Do you know Daniel Powell?—A. I do.

Q. Where was his former residence?—A. Flair Bluff, N. C.

Q. When did he come to this State?—A. February, 1874.

Q. Are they white or colored?—A. Colored.

F. C. FLOYD.

Sworn to and subscribed before me on this the 1st day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

Certificate of notary.

STATE OF SOUTH CAROLINA,
Darlington County :

I, William J. Saunders, notary public in and for the State aforesaid, do hereby certify that, in pursuance of the notices duly given and served upon the contestee personally on the 27th day of March, A. D. 1876, and another on the 29th day of March, A. D. 1876, and another on the 31st day of March, A. D. 1876, in the case of Samuel Lee, contesting the seat of Joseph H. Rainey, returned member of the Forty-fourth Congress of the United States of America from the first congressional district of South Carolina, the above testimony, consisting of — pages, was duly taken in behalf of said contestant, appearing by his counsel, J. J. Ward, esq., and the said contestee by E. Keith Dargan, esq., his attorney; that all the within-named witnesses were duly sworn by me, and testified before me as above written, which said testimony was written by me as deposed by said witnesses and subscribed to by them and each of them, respectively, as appears by their and each of their respective signatures or marks at the end of their and each of their respective depositions. I do further testify that I have attached thereto all necessary exhibits. I further certify that I have prefixed thereto the notices of contest, answer of the contestee, order of the Committee on Elections made in the above-entitled cause 28th of Feb-

ruary, A. D. 1876, and attached notices aforesaid with proof of service and subpoena-writs.

In testimony whereof I have hereunto set my hand and official seal, at Darlington, in the county of Darlington, State of South Carolina, this 3d day of April, A. D. 1876.

[SEAL.]

WM. J. SAUNDERS,
Notary Public.

LEE }
vs. }
RAINEY. }

Resolution of Committee on Elections allowing additional evidence.

COMMITTEE ON ELECTIONS,
February 28, 1876.

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee vs. Rainey, from the first district of South Carolina:

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and that Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey; and that said Rainey then have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

A copy from the record.

H. P. COCHRAN, *Clerk.*

Notice to take evidence at Kingstree.

SAMUEL LEE }
vs. } Contested election, first congressional district,
JOSEPH H. RAINEY. } South Carolina.

To Hon. JOSEPH H. RAINEY, *Florence, S. C.:*

SIR: Please take notice that, under the order of the committee of the United States House of Representatives, passed 28th day of February, 1876, I will proceed to introduce and examine, before Samuel W. Maurice, notary public for the State of South Carolina, at Kingstree, Williamsburgh County, in the first congressional district of South Carolina, on Saturday, the 1st day of April, 1876, at 12 o'clock m., to be adjourned from day to day, viz: S. J. Thorp, J. B. Chandler, Fortune Burrows, J. E. Scott, and Purvis Nelson; the said witnesses are citizens of Williamsburgh County, South Carolina. This notice is intended in lieu of the notice served upon you this day to take testimony before Thomas M. Gilland, United States commissioner, at the town of Kingstree, Williamsburgh County, South Carolina.

Very respectfully,

SAMUEL LEE.

FLORENCE, S. C., *March 29, 1876.*

Service accepted this 29th day of March, 1876.

J. H. RAINEY.

Notice to take additional evidence.

SAMUEL LEE
vs.
 JOSEPH H. RAINEY. } Contested election, first congressional district,
 South Carolina.

To Hon. JOSEPH H. RAINEY, *Kingstree, S. C. :*

SIR: Please take notice that under the order of the committee of the United States House of Representatives, passed 28th day of February, 1876, I will proceed to introduce and examine before Samuel W. Maurice, esq., notary public for the State of South Carolina, at Kingstree, S. C., in the county of Williamsburgh, the following additional witnesses, citizens of Williamsburgh County; said witnesses will be examined during the taking of testimony, notice of which was served upon you, and service accepted March 29, 1876, viz: Jos. F. Blakely, J. P. Shaw, and J. M. Shaw.

Very respectfully,

SAMUEL LEE, *Contestant.*

KINGSTREE, *April 1, 1876.*

We consent to service this 1st day of April, 1876.

HIRSCH & SWAILS,
Contestee's Attorneys.

Caption to depositions.

THE STATE OF SOUTH CAROLINA,
County of Williamsburgh :



Hon. SAMUEL LEE }
vs. } Contested election, first district South Carolina.
 Hon. J. H. RAINEY. }

The testimony of certain witnesses residing in the county and State aforesaid, taken on the part of Hon. Samuel Lee, contestant, against Hon. J. H. Rainey, contestee, under the resolution of the committee of Congress, a copy of which is hereto affixed. The testimony having been begun to be taken at the court-house in Kingstree, in the county and State aforesaid, before Samuel W. Maurice, a notary public, and Louis Jacobs, judge of the court of probate of said county of Williamsburgh, being a court of record, on the 1st day of April, A. D. 1876, and, by agreement of counsel representing both parties, continued over till the 3d day of April, A. D. 1876; contestant being present in person and represented by counsel, T. M. Gilland, and contestee by his counsel, Hirsch & Swails.

Deposition of Joseph P. Shaw.

The first witness called and sworn was JOSEPH P. SHAW, whose examination was as follows:

Question. Do you recognize that book?—Answer. I do.

Q. Are you a citizen of this county?—A. I am.

Q. Mr. Shaw, do you know a colored man by the name of George Shaw?—A. I do.

Q. Is that the name under which you know him?—A. Yes, sir.

Q. If you know, state where he lived in the fall of 1874.—A. He lived on a piece of land about two miles from my house.

Q. Can you state, and if so, state, what was the age of George Shaw on the 3d day of November, 1874?—A. He was nineteen years old, as well as I can calculate.

Q. Mr. Shaw, how do you know he was nineteen years old at that time?—A. Because he was born in 1855.

Q. Do you know that he was born in 1855?—A. Only by my father's writing.

Q. Where is your father's writing to that effect?—A. It is in this book.

Q. You have the book there with you?—A. I have it here, sir.

Q. Do you know that to be your father's writing?—A. I do, sir.

Cross-examined by contestee's counsel:

Q. Mr. Shaw, you have stated that you know George Shaw; he is a colored man, is he?—A. Yes, sir.

Q. Did you ever know, among the colored men belonging to your father, two George Shaws?—A. No, sir.

Q. Do you know January Shaw?—A. I do.

Q. Did he have a son named George Shaw?—A. Not to my recollection.

Q. How far back can you remember?—A. I don't recollect when this boy was born—the boy I am speaking of. His mother's name was Hannah. His father was Jesse McCollough.

Q. How far back can you remember that boy?—A. I can remember back when he was a little fellow needing a nurse.

Q. How long ago is that?—A. About sixteen years, I guess.

Q. How large a boy was he then?—A. At that time the nurse was following him around.

Q. How old do you think he was?—A. About four or five years old.

Q. About how long ago was that?—A. I told you already.

Q. Mr. Shaw, how old are you?—A. I will be thirty-one in June.

Q. At the time George Shaw was there, were you at home all the time?—A. I don't remember that.

Q. Mr. Shaw, were you not at school at that time?—A. I don't know whether I was or not. When I did go to school my father did not keep me at school more than three or four months at a time.

Q. Mr. Shaw, you state on your direct examination that this George Shaw was nineteen years of age on the 3d November, 1874?—A. Yes, sir; I think he was nineteen.

Q. You think or know it?—A. I know it.

Q. How do you know it?—A. Because it is in my father's writing.

Q. How do you know it is your father's writing?—A. Because I have seen it all my life.

Q. Has that book been in your possession ever since you could recognize your father's writing?—A. It was in my possession up to, I think, year before last; I let old man Tom Shaw have it.

Q. The same book; and how do you know it?—A. The same book; because it is in my father's writing.

Q. You have looked very carefully through this book, have you?—A. Yes, sir.

Q. Did you ever know among the people that belonged to your father any other George Shaw?—A. No, sir; I don't think. Since emancipation, I think one was born and named George Shaw.

Q. Mr. Shaw, this George Shaw you have been speaking of, do you know that he voted ?—A. No, sir; I don't know.

Q. Mr. Shaw, you could not say that during your father's life-time he did not own a George Shaw ?—A. If he did, I did not know him.

In reply :

Q. Mr. Shaw, is that the book in which your father kept the dates of the births of his slaves ?—A. Yes, sir; he told me so.

Q. Mr. Shaw, did he keep any other book, in which he recorded the births of his slaves ?—A. Yes, sir; of his older slaves.

Q. Mr. Shaw, did you ever see your father write the names of his slaves in that book ?—A. Yes, sir; I think I have seen him; am certain of it.

Q. Mr. Shaw, did you ever hear this George Shaw, of whom we speak, called by any other name ?—A. Yes, sir.

Q. What name ?—A. Washington McCollough.

JOS. P. SHAW.

Deposition of Joseph F. Blakely.

Next witness called was JOSEPH F. BLAKELY.

Question. Are you a citizen of this, Williamsburgh County ?—Answer. I am.

Q. How long have you lived here ?—A. Since '57; was not here all the time; was off sometimes six or eight months, sometimes a year.

Q. Do you know the citizens of this county pretty generally ?—A. A great many of them.

Q. What do you mean by a good many ?—A. I know all their faces, but don't always their names.

Q. Do you know a boy by the name of George Shaw ?—A. I know one that voted here; he went by the name of George Washington McCollough, I think.

Q. Have you ever heard him called by the name of George Shaw ?—A. If it is, I don't know it. He may have been.

Q. Did you hear the testimony of J. P. Shaw ?—A. I heard a portion of it.

Q. That portion which had reference to George Shaw ?—A. I heard a portion, but went out.

Q. Did you hear him speak of George Shaw ?—A. I did.

Q. Do you know that person whom he calls George Shaw ?—A. I don't know if he has reference to the one I am speaking of.

Q. Do you know the mother and father of the one you are speaking of ? If so, state their names.—A. His mother is named Hannah; she used to belong to Mr. Shaw; and his father, Jesse, used to belong to McCollough.

Q. What name does his father go by now ?—A. Jesse McCollough.

Q. Have Jesse and Hannah you have reference to any other son named George ?—A. None that I know of.

Q. Did you see that particular George vote on the 3d of November, 1874 ?—A. I did, to the best of my knowledge; am pretty certain of it. (Ticket marked "Exhibit A," shown witness.)

Q. Did he vote a ticket similar to that ?—A. I am satisfied he voted a ticket like that.

Q. Did you see him vote that ticket ?—A. I did, sir; I was manager of election, and saw all the tickets.

Q. You stated that you know this young man. From your knowledge of that party and his political complexion, for whom would you say he voted for Congress, Lee or Rainey?—A. I am satisfied that he voted that ticket; he voted for Rainey.

Cross-examined:

Q. Were you manager of elections?—A. I was.

Q. Was that the first time you were manager of election?—A. I had been manager before.

Q. During the time you have been manager before, can you tell what ticket a man votes?—A. Can tell the color of the ticket.

Q. Can you tell by the color of the ticket for whom a man votes?—A. I am satisfied that he did not vote for Lee.

Q. From the color of those tickets could you tell that he did not vote for Lee?—A. Could not tell from the color, but when the tickets were counted I knew that he did not.

Q. You spoke of a George Shaw.—A. No; I did not.

Q. You were talking about George Washington McCollough and George Shaw; did you ever know him to go by the name of George Shaw?—A. Don't know; knew his mother belonged to Shaw and his father to McCollough.

Q. How long have you known George Washington McCollough?—A. For five years, probably longer.

Q. You know he voted at this poll?—A. Yes; he voted here.

Q. Who made this particular talk the time he voted here?—A. A good many, but don't recollect who; all the names of whom the managers were in doubt were marked.

Q. Under what name did he vote?—A. I think under the name of Washington McCollough.

Q. Is this Washington McCollough the same man spoken of here as George Shaw?—A. I don't know.

Q. In the direct examination you spoke of a particular George; now, what George did you allude to?—A. George Washington McCollough.

Q. Did I understand you to say the party you are speaking of voted under the name of Washington McCollough?—A. He may have had the George in his name, but I don't remember; but I know his mother and father.

Q. You remember well when he came to vote; what time of day was it?—A. Don't remember.

Q. Do you remember what kind of a ticket he voted?—A. I do; paid particular attention to it.

Q. You saw the ticket he voted?—A. Saw the outside of it; didn't see the inside.

Q. Did he vote for Mr. Rainey?—A. I have not seen Mr. Rainey's name scratched, and he voted the republican ticket.

Q. Did you see any tickets scratched?—A. Yes; saw several scratched.

Q. Will you swear positively that Rainey's name was not scratched at this poll?—A. I have not seen any scratched; if there were, I don't know it.

Q. There were other tickets in same box, called the independent tickets; were any of them scratched?—A. Yes.

Q. Do you remember of Mr. Lee's name being scratched?—A. Yes; I think I do.

Q. Did you, as manager of election, specially look over the tickets to see if men's names are scratched?—A. Yes, I did.

Q. Did you particularly look after the names of Rainey and Lee?—A. Yes; those were the names I was looking after.

Q. Do you remember the count at this poll?—A. No; I had it down, but have forgotten.

Q. I understood you to say Washington McCollough voted here; did you see the ticket he voted?—A. I saw the outside, but did not see the inside.

Q. What time of day was it?—A. Don't know.

Q. How do you know Washington McCollough is not 21 years of age?—A. I don't know his age.

Q. Do you know George Shaw?—A. No, sir; I don't know.

Redirect testimony by contestant:

Q. Did this boy you speak of live on Mr. Shaw's place with his mother and father?—A. Yes.

Q. Do you know that boy to be the same boy that voted on the day of election?—A. Yes; that is the same boy.

Q. Did you know by the tickets voted on that day how the colored people voted at the poll where you were manager?—A. I think I know every colored man that voted the reform ticket.

Q. Were they many or few?—A. Very few.

Recross by counsel for contestee:

Q. How did you know that these colored men voted the reform ticket?—A. Knew by the color of the tickets.

JOSEPH F. BLAKELY.

Exhibit A.

UNION REPUBLICAN TICKET.

For governor.—Daniel H. Chamberlain.

For lieutenant-governor.—Richard H. Gleaves.

For Forty-fourth Congress, first district.—Joseph H. Rainey.

For State board equalization, first district.—B. D. Townsend.

For the State senate.—Stephen A. Swails.

For house of representatives.—Melvin J. Hirsch, James F. Peterson, William Scott.

For judge of probate.—Louis Jacobs.

For school commissioner.—Henry H. Mouzon.

For county commissioners.—Benjamin Mouzon, Ambrose Tisdale, Sidney Shaw.

Deposition of J. M. Shaw.

The next witness called was J. M. SHAW.

Question. Are you a citizen of this, Williamsburgh County?—Answer Yes, sir.

Q. Do you know George Washington McCollough?—A. I do.

Q. Did you hear the testimony of Joseph F. Blakely—that portion in reference to George Washington McCollough?—A. Yes, sir; I heard it.

Q. Is he the same person you have reference to?—A. The same person.

Q. Are you a brother to J. P. Shaw?—A. A half-brother.

Q. Was this boy and his parents owned by your father?—A. He and his mother.

Q. What was his mother's name?—A. Hanna.

Q. Do you know how old this boy was at the last general election in 1874? If so, state his age.—A. My father kept a record of all the colored children born on the place. I looked at it a day or two ago. He was born in 1855, making him about 19 or 20 years old on the day of the election.

Q. Do you know that he was not of age by any other circumstances? If so, state them.—A. I knew it from my own age; knew when he was born; I was about thirty-two at the election, and I knew I was over twelve years old when he was born.

Q. Is that record you spoke of in your father's handwriting?—A. It is.

Q. Did you at any time know George Washington McCollough to be called George Shaw?—A. He might have been before he was free.

Q. Is George Shaw and George Washington McCollough the same person?—A. The same.

Cross-examined:

Q. What year were you born in?—A. In December, 1841.

Q. In 1853 were you at home?—A. I think I was.

Q. You know it certain?—A. I do.

Q. When did you start to school?—A. When about nine years of age.

Q. How long did you remain at school?—A. Until the war broke out; was at home until 1859.

Q. Have you any recollection of the slaves born between 1850 and 1859 owned by your father?—A. Yes, sir; don't know the exact time, except by referring to the record.

Q. How long has the record been in your possession?—A. Since my father's death in 1867; sometimes have let the colored people have it; it was in my brother's and my possession; we live together.

Q. You then have let colored people have it?—A. I don't recollect lending it to any but Tom Shaw.

Q. How long did Tom Shaw have this record?—A. I don't exactly know; about a month or so.

Q. Was the record in the same condition when you got it back as it was when loaned to Tom Shaw?—A. The same; if there was any change I have not seen it.

Q. Did you live in Williamsburgh County at the time of the election in 1874?—A. I did.

Q. Between the general election of 1870 and the general election of 1874, did you live in the county of Williamsburgh continuously?—A. I staid with R. H. Kellahan part of the time, on the Williamsburgh and Georgetown line; eat in Georgetown and slept in Williamsburgh.

Q. How long did you live there?—A. Six or seven months; don't recollect the exact time.

Q. Did you have that record with you at that time?—A. No, sir; it was at home with my brother.

Q. Did you vote at this poll in 1874?—A. I did.

Q. Did you see George Washington McCollough vote here?—A. No, sir, I did not; but heard that he did on that day.

Q. Did you see George Shaw vote?—A. Did not know any George Shaw.

Q. Do you know a man named January Shaw?—A. I do.

Q. Did he belong to your father?—A. He did.

Q. Do you remember the children of January Shaw and his wife?—A. Yes; I know some of them, Sidney, Maggie, but have forgotten the names of a great many since they left us.

Q. You can remember, though, that in 1855 George Washington McCollough was born?—A. I remember that by the record; looked at the record to refresh my memory.

Q. Do you remember in 1855 that January Shaw had a child born him?—A. I think his wife might have had one.

Q. Do you remember when Sidney Shaw was born?—A. I don't recollect the exact year; know when he was born; he is about 25 years of age.

Q. Do you remember when Washington McCollough was born?—A. Perfectly well; I was a great big boy.

Q. Do you know a man or boy named George Shaw?—A. Don't remember of but one born on our place by that name.

Q. Do you know that George Washington McCollough and George Shaw is the same man?—A. I don't know; on that day I heard he had voted.

Redirect:

Q. Do you know Jesse McCollough and Hanna McCollough to be the father and mother of the same person that is known as George Shaw and George Washington McCollough?—A. Yes, sir.

Q. And is this person the same person Joseph F. Blakely testified to?—A. I take him to be the same by what Blakely said.

Q. In your cross-examination you are asked, Do you know George Washington McCullough and George Shaw to be the same person? You replied that you do not; explain what you mean when you say that you do not.—A. Before he was free he was called George Shaw, but since then he has been going by the name of McCullough. Have known him ever since as George McCullough.

Q. Did you see this record, your father's plantation-record, before you went to Kellahan's?—A. Yes, sir.

Q. Have you seen it since you left Kellahan's?—A. Yes, sir.

Q. Has it been changed any?—A. Not that I can perceive.

Q. Do you perceive any change in it since you got it back from Tom Shaw?—A. No, sir.

J. M. SHAW.

Certificate of notary.

STATE OF SOUTH CAROLINA, Williamsburgh County:

We, Louis Jacobs, judge of probate for the county and State aforesaid, the same being a court of record, and Samuel W. Maurice, a notary public of the said State, the former having been chosen to act by the contestee and the latter by the contestant, do hereby certify that, in pursuance of a notice duly given and served upon the contestee personally on the 29th day of March, A. D. 1876, and another served upon Heisch & Snails, contestee's counsel, on the first day of April, A. D. 1876, in the case of Samuel Lee, contesting the seat of Joseph H. Rainey, returned member to the Forty-fourth Congress of the United States of America from the first congressional district of South Carolina, the above testimony, consisting of eighteen pages, besides this sheet, was duly taken in behalf of said contestant, the said contestant appearing in person, and being also represented by Thomas M. Gilland, esq., his counsel, and the said contestee by Heisch & Snails, his attorneys; that all of the within-named witnesses were duly sworn by the said Samuel W. Maurice, notary public as aforesaid, in the presence of the said Louis Jacobs, judge of probate as aforesaid, and testified before

us as above written, which said testimony was written by the said Louis Jacobs, judge of probate, as deposed by said witnesses and subscribed to by them and each of them respectively, as appears by their and each of their respective signatures at the end of their and each of their respective depositions. We do further certify that we have attached hereto Exhibit A. We further certify that we have prefixed hereto the notices of contest, answer of contestee, order of the Election Committee, made in the above-entitled cause February 28, 1876, and attached the notices aforesaid with proof of service.

In testimony whereof we have hereunto set our hands, and the said judge of probate his official seal, the notary having no official seal, at Kingstree, in the county of Williamsburgh, State of South Carolina, this 4th day of April, A. D. 1876.

[SEAL.]

LOUIS JACOBS,
Judge of Probate, Williamsburgh County.
SAM. W. MAURICE,
Notary Public.

LEE }
vs. }
RAINEY. }

Resolution of Committee of Elections allowing additional evidence.

COMMITTEE OF ELECTIONS,
February 28, 1876.

The committee, after argument and consultation, agreed to the following resolution as a substitute for the order passed February 21, 1876, in the case of Lee *vs.* Rainey, from the first district of South Carolina:

Resolved, That the contestee, Rainey, have fifteen days for the taking of testimony as to illegal votes cast for Lee anywhere in said district, and that Lee then shall have twenty days to take testimony as to illegal votes cast anywhere in said district for Rainey, and that said Rainey then have ten days to rebut the testimony of Lee, and then Lee shall have five days to rebut the rebutting testimony of said Rainey.

A copy from the record.

H. P. COCHRAN,
Clerk.

Notice to take evidence at Columbia.

SAMUEL LEE, CONTESTANT, }
vs. } Contested election, first congressional
J. H. RAINEY, CONTESTEE. } district, South Carolina.

Hon. JOSEPH H. RAINEY:

SIR: Please to take notice that on the 3d day of April next, at the State-house in the city of Columbia, county of Richland, State of South Carolina, before H. H. Jilson, esq., notary public, I will take the testimony of Hon. F. L. Cardozo, H. E. Hayne, S. L. Hoge, S. W. Melton, H. W. Purvis, and H. B. Johnson, esq., in reference to a petition which you laid before the State board of canvassers in November, 1874, in

which you protested against the return of the county board of canvassers for Georgetown, so far as it related to the "Jas. H. Rainey" votes.

You will please bring and produce the original petition, or I will produce a copy.

SAMUEL LEE,
Darlington County, South Carolina.

FLORENCE, *March 29, 1876*

Copy served upon me this 29th day of March, 1876.

J. H. RAINEY.

Caption to depositions.

STATE OF SOUTH CAROLINA,
County of Richland :

SAMUEL LEE <i>vs.</i> JOSEPH H. RAINEY.	}	Contested election for Congress, first district, South Carolina.
---	---	---

The following proceedings in the above-entitled cause were had before me, H. H. Jillson, a notary public in and for the State of South Carolina, on the 3d day of April, 1876.

The notice of Samuel Lee, of his intention to contest the seat of Joseph H. Rainey, and the answer to the same, and a notice to take the testimony of F. L. Cardozo, H. E. Hayne, S. L. Hoge, S. W. Melton, H. W. Purvis, and H. B. Johnson, with acknowledgment of service, were put in evidence. They are hereunto prefixed, marked A, B, and C, respectively.

Certified by me.

[SEAL.]

H. H. JILLSON,
Notary Public, South Carolina.

H. E. HAYNE, being duly sworn, testifies as follows:

Question. What position, if any, do you hold in South Carolina?—

Answer. I am secretary of state of South Carolina.

Q. At what time did you qualify as secretary of state?—A. November or December, 1872.

Q. Are you, by virtue of that office, a member of the State board of canvassers?—A. I am the chairman of that board.

Q. Who were voted for in the first congressional district, as shown by the returns?—A. Joseph H. Rainey, Samuel Lee, Jas. H. Rainey.

Q. Were there any papers, in the form of petitions, for example, submitted to the board by any of the parties whom you have just named?—A. None that I remember of.

Q. What position on the board do you occupy?—A. I am chairman of the board. In regard to Georgetown County, one of the counties in the first congressional district, the only papers before the board from Georgetown County was the returns of the board of county canvassers. If any papers in the form of protests, they were submitted to the county board, and by them transmitted to the State board.

H. E. HAYNE.

STATE OF SOUTH CAROLINA,
County of Richland, ss :

At Columbia, in said county, on the 3d day of April, A. D. 1876, before me personally appeared the above-named H. E. Hayne, and made oath that the foregoing deposition, subscribed by him, contains the whole truth and nothing but the truth.

[SEAL.]

H. H. JILLSON,
Notary Public, South Carolina.

D.

STATE OF SOUTH CAROLINA,
Richland County :

To the honorable the board of State canvassers :

GENTLEMEN: The undersigned, your petitioner, would most respectfully protest against the return made by the board of county canvassers for Georgetown, of the election held in said county on the 3d day of November, 1874, so far as said return relates to the votes given at said election for member of the Forty-fourth Congress from the first congressional district of the State aforesaid; and would also request that he be admitted before your honorable board to establish by legal proof the validity of his objection to said return, the ground of which objection is as follows:

That, on the face of said return, 669 votes cast at said election, and so intended to be cast by the qualified electors of said county, have been illegally and improperly withheld from your petitioner by the board of county canvassers aforesaid, on the following improper and insufficient ground, to wit:

That there was a typographical error in the Christian name upon said ballots, to wit, Jas. H. Rainey, instead of Jos. H. Rainey, as intended.

Your petitioner would also respectfully show that he is clearly and legally entitled to have said 669 votes so cast counted in his favor, for the reason that there is not anywhere in said congressional district any person whatever known as "James H. Rainey," within the knowledge of your petitioner; that there was certainly no other candidate for the said office of member of Congress from said district of the name of "Rainey," and that the ballots so cast were intended to be cast for him.

All of which is most respectfully submitted to your honorable board.
 J. H. RAINEY.

Subpoena.

UNITED STATES OF AMERICA,
State of South Carolina, County of Richland :

To Hons. F. L. Cardozo, H. E. Hayne, S. L. Hoge, S. W. Melton, H. W. Purvis, and H. B. Johnson, esq.:

You are hereby summoned to appear at the State-house, in the city of Columbia, in the State of South Carolina, on Monday, April 3, 1876, at 11 o'clock a. m., to testify before me in a case of contested election for member of Congress from the first congressional district of South Carolina, in which Samuel Lee is a contestant against J. H. Rainey, who claims the seat.

Witness my hand and seal this 30th day of March, 1876.

(Signed)

H. H. JILSON. [L. s.]

INDEX.

CONTESTEE'S PAPERS.

	Page.
Notice to take depositions at Bennettsville, Marlborough County	1
Subpœna	1
Deposition of Columbus Green	2
Dudley P. McLaurin	5
Daniel C. Odom	7
Achilles H. Knight.	7
Joseph L. Breeden	8
Anderson Davis	10
Frank S. Hazel	11
James S. Legitt, with Exhibit A and Exhibit B (2)	13
Certificate of judge	16

CONTESTANT'S PAPERS.

Resolution of Committee of Elections allowing additional testimony	16
Notice to take testimony at Clio, Marlborough County	17
Caption to testimony	17
Deposition of M. D. Morrison	17
Alexander McRae	18
John Parish	20
Peggy Locklaer	22
Thomas N. Edens	23
Alexander McRae, (recalled)	25
W. A. Hinshaw	26
Certificate of notary	27
Resolution of Committee of Elections allowing additional testimony	27
Notice to take testimony at Bennettsville	27
Caption to depositions	28
Deposition of Mark Rivers	28
John S. Fletcher	30
Jesse D. Bethea	31
William P. Emanuel	31
Exhibit A	33
Certificate of notary	33
Resolution of Committee of Elections allowing additional testimony	34
Notice to take depositions at Florence on March 25	34
Subpœna	35
Caption to depositions, (William J. Saunders, notary public)	35
Exhibit A	36
Caption to depositions, (Jerome P. Chase, notary public)	37
Exhibit B	37
Exhibit B b	38
Exhibit C	38
Resolution of Committee of Elections allowing additional testimony	38
Notice to take testimony at Florento March 29	39
Subpœna	39
Notice to examine additional witnesses, (1)	40
Notice to examine additional witnesses, (2)	40
Subpœna	40
Caption to depositions	41
Deposition of Dublin Pigott	41
M. M. Johnson	42
L. A. McCall	43
Josephus Jordon	44
Sutton Stephenson	45
L. W. Gadsden	46

	Page.
Deposition of Elsie Richardson.....	49
J. A. Howe.....	50
Robert Rogers.....	51
Phillis Parnell.....	52
T. J. Cannon.....	52
John L. Barden.....	54
George Pigott.....	55
Robert Burnett.....	55
E. E. McPherson.....	56
James Jarrot.....	57
C. E. Jarrot.....	58
James Allen.....	58
Sidney Raiford.....	59
Henry Henagan.....	60
Charles Burnet.....	61
Joseph Washington.....	62
W. James DuBose.....	63
William McKensie.....	64
W. James DuBose.....	66
T. B. Stratton.....	67
L. W. Gadsden, (recalled).....	68
Certificate of notary, (No. 1).....	68
Certificate of notary, (No. 2).....	69
Exhibit A.....	70
Exhibit B.....	70
Exhibit C.....	70
Exhibit D.....	71
Exhibit E.....	78

CONTESTEE'S REBUTTAL.

Resolution of Committee of Elections allowing additional testimony.....	81
Notice to take rebuttal evidence at Florence.....	81
Notice to take additional evidence.....	81
Notice to take additional evidence.....	82
Subpœna, (No. 1).....	82
Subpœna, (No. 2).....	83
Caption to depositions.....	83
Deposition of Charles McPherson.....	83
John Nowland.....	84
Thomas Jefferson.....	85
Handy Douglass.....	88
George Richardson, (No. 1).....	90
George Richardson, (No. 2).....	90
William Richardson.....	91
Charlotte Davis.....	93
Emma Lemon.....	94
A. Baruch.....	95
Abner Lemon.....	96
S. W. Williams.....	97
N. D. Harper.....	97
John Howe.....	99
Mars Daniel.....	101
Lot Cherry.....	104
Vern (alias Levant) May.....	105
Thomas Daniels.....	107
Mars Henry.....	108
Exhibit A.....	110
Certificate of notary.....	111

CONTESTANT'S SUR-REBUTTAL.

Resolution of Committee of Elections allowing additional evidence.....	111
Notice to take evidence at Florence.....	112
Notice to take additional evidence.....	112
Subpœna.....	112
Caption to depositions.....	113

	Page.
Deposition of M. F. Howe	113
S. W. Kennedy	111
W. N. McPherson	176
C. E. Jarot	117
J. B. Jarot	118
S. F. Ervin	118
L. W. Gadsden	120
Phillis Parnell	124
Knox Livingston	126
Certificate of notary	126
Resolution of Committee of Elections allowing additional evidence	127
Notice to take testimony at Darlington	127
Subpœna	128
Caption to depositions	128
Deposition of J. J. Ward	128
G. W. Dargan	131
R. E. DuBose	132
F. C. Floyd	133
Certificate of notary	133
Resolution of Committee of Elections allowing additional evidence	134
Notice to take evidence at Kingstree	134
Notice to take additional evidence	135
Caption to depositions	135
Deposition of Joseph P. Shaw	135
Joseph F. Blakely	137
J. M. Shaw	139
Certificate of notary	141
Resolution of Committee of Elections allowing additional evidence	142
Notice to take evidence at Columbia	142
Caption to depositions	143
Deposition of H. E. Hayne	143
A paper, marked D	144
Copy of a subpœna	144

FINLEY vs. WALLS.

P A P E R S

IN THE CASE OF

JESSE J. FINLEY vs JOSIAH T. WALLS,

SECOND CONGRESSIONAL DISTRICT OF FLORIDA.

JANUARY 25, 1876.—Ordered to be printed.

CONTESTANT'S PAPERS.

Notice of contest.

To the Hon. Josiah T. Walls, returned as a member-elect to the Forty-fourth Congress of the United States from the second congressional district of Florida :

SIR: You are hereby notified that it is my intention to contest the election by which you are returned as a member of the House of Representatives of the United States for the Forty-fourth Congress, the said election having been held in said district on the third day of November, A. D. 1874.

The following are the grounds upon which I rely, in the said contest.

GROUND'S OF CONTEST.

Specification 1st.—That the action and decision of the State board of canvassers at Tallahassee, Florida, on the 10th day of December, A. D. 1874, declaring you elected to the Forty-fourth Congress of the United States, and refusing to render a decision in my favor, was in violation of, and in fraud of, the election-laws of the State of Florida, and of my rights in the premises, in this: because it appeared from the official returns of the respective counties, as made by the authorized county canvassers within said congressional district, that I received a majority of the legal votes cast at said election for member of said Forty-fourth Congress from the second congressional district of Florida, and because said board of State canvassers, contrary to the statute of the State of Florida in such case made and provided, disregarded the official returns from the county of Alachua, within said second congressional district of Florida, and illegally canvassed the precincts of Archer, Newnansville, Micanopy, Liberty Hill, Gordon, Orange Creek,

and Barnes's store, in said county of Alachua, which, as it appeared by the official returns from said county, had been rejected; such returns showing gross irregularities, illegalities, informalities, and frauds in the conduct of said election at said polls, sufficient to vitiate the said election at said polls, and thus included in their estimate, and gave to you a large number of illegal votes, to wit, about one thousand (1,000) votes, making a plurality of six hundred and eleven (611) votes from said polls to which you were not entitled under the laws of the State of Florida.

And in this: Because said board of State canvassers illegally counted and canvassed the illegal returns from Columbia County in said district, it appearing that the board of county canvassers for said county was not organized and did not commence the canvass of the votes cast at said election within said county within the time prescribed by law; and it appearing that the canvass and returns of said election for said county were not made and certified by persons authorized to make such canvass and returns for said county, and thereby the said State canvassers illegally counted and gave to you a plurality of about thirty-eight (38) votes to which you were not entitled under the law in such case made and provided.

Specification 2d.—That said election at precinct No. 3, at Gainesville, within the county of Alachua, and within said second congressional district of Florida, was irregularly and illegally conducted, and was null and void, and I hereby notify you that I will ask that all the votes cast at said precinct be rejected on the following grounds, viz: 1st. Because no poll-book or list of the names of the electors voting at said precinct was returned to the judge of the county court, or to the clerk of said county, with the certificates of the election at said poll, as the law requires, but a paper list of names was found eight (8) days after said election, unsigned by any of the officers of the election at said precinct; 2d. Because a large number of illegal votes at said election were received and counted at said poll, viz, about fifty-eight (58) votes not registered, and five (5) not checked, as the law requires, were received at said poll and changed the result of the election at said poll, and only three (3) appeared to be sworn, and because the oath administered to the unregistered voters who voted at said poll was not such as the law prescribes.

Specification 3d.—That said election at Liberty Hill, within the county of Alachua and within the second congressional district of Florida, was irregularly and illegally conducted, and I hereby notify you that I will ask that all the votes cast at said precinct be rejected on the following grounds, viz, because the poll-list and ballot-box of said precinct did not correspond.

Specification 4th.—That the election at the Micanopy poll, within the county of Alachua, and within the second congressional district of Florida, was irregularly and illegally conducted, and was null and void, and I hereby give you notice that I will urge that all the votes cast at said poll at said election be rejected on the following grounds, viz: 1st. Because the inspectors or officers of said Micanopy poll allowed and permitted about sixty-three (63) persons, whose names were not found on the registration-list of said county, to vote at said precinct, the same not being sworn as required by law; 2d. Because the ballots at said poll were all numbered to correspond with the number set opposite the names of the respective voters, thus depriving the voters at said precinct of the right of secrecy guaranteed by law, and changing said election in effect to an election *viva voce*, contrary to the statute in such case made and provided; and, 3d. Because the polls at said precinct

were not opened at said Micanopy precinct until nearly two hours after the time prescribed by law, which tended to and did change the result of said election at said poll.

Specification 5th.—That the said election at the Gordon poll, within the county of Alachua and within the second congressional district of Florida, was irregularly and illegally conducted, and was null and void, and I hereby give you notice that I will ask that all the votes cast at said poll at said election be rejected on the following grounds, viz: 1st. Because the clerk of the election at said poll was not sworn as required by law; 2d. Because the officers of said election at the said Gordon precinct allowed and permitted a large number of votes to be cast at said precinct who were not legally entitled to vote, viz, about forty (40) votes, who were not registered, and who were not sworn as the law requires; 3d. Because the clerk of the election at said precinct was not sworn as the law requires; and, 4th. Because the ballot-box, poll-list, and certificate of said election at said poll did not correspond; and 5th. Because no legal election was held at said precinct, and because of the reception at said poll of a large number of illegal votes, the said precinct giving you from said illegal poll a plurality of about twenty (20) votes, thus changing the result of the election at said poll.

Specification 6th.—That the said election at the precinct of "Barnes's Store," within the county of Alachua and within the second congressional district of Florida, was irregularly and illegally conducted, so that there was no valid and legal election held at said precinct; and I hereby give you notice that I will urge that all the votes cast at said poll be rejected on the following grounds, viz: 1st. Because the clerk of said election-poll was not a registered voter of said State and county, and was not a citizen of the United States; 2d. Because the inspectors and clerk at said poll were not sworn, either before or after receiving any votes at said pretended election, that they "will perform their duties respectively according to law, and will endeavor to prevent all fraud, deceit, or abuse in conducting the same," and for that said officers or pretended officers of said election-precinct at Barnes's Store, aforesaid, did not take and subscribe such oath as the law requires before receiving any votes at said election, and did not return such oath with the poll-list of said precinct to the clerk of the circuit court, as the law requires; 3d. Because there were gross irregularities, as shown by the returns of said poll, there being one hundred and ninety-four votes found in the ballot-box by county canvassers, and one hundred and eighty-one (181) votes on poll-list, showing a discrepancy of thirteen (13) votes; while the number of votes, as appears from official certificate of result at said poll, was one hundred and ninety; 4th. Because you received one hundred and twenty-five (125) illegal votes cast at said precinct, and a plurality of sixty (60) illegal votes cast at said precinct.

Specification 7th.—That the said election at the Archer precinct, within the county of Alachua and within the second congressional district of Florida, was irregularly and illegally conducted, so that, as this contestant alleges, there was no valid and legal election held at said poll; and I hereby give you notice that I will urge that all the votes cast at said poll be rejected on the following grounds, viz: 1st. Because the inspector and clerk of said election-precinct were not properly and legally sworn as required by law; 2d. Because there were many illegal votes received at said poll, who were not registered and who were under age, and without taking the oath required by law to be administered by an officer of said election precinct; 3d. Because at said poll one W. U. Saunders, one of your partisan friends, and partner in the practice of law,

claiming to be a deputy United States marshal, under the guise of an assumed authority, illegally dictated to and overawed the inspectors at said poll, so that they did not and could not impartially discharge their duties as such officers at said poll; 4th. Because a large and excited crowd of your political friends, armed with clubs, &c., so surrounded said poll, and so boisterously and violently demeaned themselves, that a number of my supporters left the said poll without voting; 5th. Because said W. U. Sanders, a partisan friend to you, and partner in the practice of law, acting under the color of the authority of a deputy United States marshal, so intimidated and influenced the inspectors at said poll that they yielded the whole control and management of said election to him, supposing that he had the authority; and after said election was over the said Saunders, by his interference and directions, prevented said inspectors from counting the ballots as directed by law, but counted the same himself and sealed up the ballot-box himself without the solicitation of said inspectors; 6th. Because said ballot-box at said Archer precinct during the dinner-hour was shut up and closed from the public view for half an hour, contrary to the statute in such case made and provided; 7th. Because there were great discrepancies in the returns from said poll, no registration-list returned, &c., and because the polls were not opened for at least one hour after the legal time, so that, as this contestant alleges and charges, a large number of illegal votes were received and counted for you from said Archer precinct; that is to say, about two hundred and ninety-three (293) illegal votes, and a majority of about one hundred and sixty-eight (168) votes.

Specification 8th.—That the said election at the Newnansville precinct, within the county of Alachua, and within the second congressional district of Florida, was irregularly and illegally conducted, so that, as this contestant alleges, there was no valid and legal election held at said poll; and I hereby give you notice that I will urge that all the votes cast at said precinct be rejected on the following grounds, viz: 1st. Because one of the inspectors who acted as such at said election at said poll, viz, Henry C. Parker, was not legally chosen, and was not sworn as the law prescribes an inspector of an election in the State of Florida should be; 2d. Because the key of the ballot-box at said poll during the election-day was in the hands of one Joseph Valentine, a noted political friend and supporter of yours; said Valentine being neither an inspector nor clerk of said election at said poll, but claimed to be a United States deputy marshal, and having no authority to influence or control said election, except to preserve the peace, and was not the legal custodian of the key to said ballot-box. That during the adjournment for dinner said ballot-box was not sealed, as the law requires, but kept open. That a large number of illegal votes were received and counted at said poll, who were not registered as the law requires, and who were not legally sworn; that is to say, about one hundred and thirty (130) persons were allowed and permitted to vote at said election-poll whose names were not duly registered in said State and county; and because the canvass of the votes cast at said polls was proceeded with by the managers or inspectors of said poll before said poll was closed, and votes were received thereat pending said canvass; and because the ballots cast at said polls were not counted by the officers of said poll before proceeding to make up their returns, but were called off and reported without being counted at all; and because the ballot-box at said poll, and the returns of said precinct, together with the certificate of the results of said election-precinct, were not returned to the clerk of the circuit court, securely sealed, as the law prescribes, by the

inspectors, or any of them, but unsealed, and by the aforesaid Joseph Valentine, who was neither an inspector or clerk at said precinct. You are therefore hereby notified that I shall urge the rejection of all the votes cast at said precinct of Newnansville, within the county of Alachua, and within the second congressional district of Florida, upon the above grounds, which, contestant alleges, renders the election there entirely illegal, null, and void; from which illegal precinct there were received and counted for you two hundred and fifty-one (251) illegal votes, and for me thirty (30) votes, giving you at said poll a majority of two hundred and twenty-one (221) votes, to which you were not entitled under the law.

Specification 9th.—That the said election at the Colored Academy precinct, within the county of Columbia, and within the second congressional district of Florida, was irregularly, illegally, and fraudulently conducted, thereby rendering the election at said precinct null and void; and I hereby give you notice that I shall claim and urge that all the votes cast at said precinct be rejected upon the following grounds: Because the majority of the persons who acted as inspectors at said precinct were not the persons who had been duly appointed to act as such inspectors at said precinct, but unlawfully and fraudulently assumed to act as such inspectors at said precinct, and opened the polls at said precinct at a very early period of the day, and more than one hour before the time prescribed by law, and before the regularly-appointed inspectors of said precinct had time to reach the place of voting, and before they were required by law to be present and open said poll, and that a large number of votes were polled at said precinct before the legal hour of opening the polls. That there was a large number of illegal votes received at said poll, whose names did not appear on the registration-list, and to whom the oath prescribed by law was not administered. That a large number of illegal votes were received at said poll of persons convicted of crimes and felonies, and disfranchised by the laws of Florida, and of persons under the age of twenty-one years, and of persons who were not residents of said county of Columbia. That the illegal conduct of said inspectors at said polls was such as clearly to indicate a fraudulent purpose, and to defeat the legal and fair result of said election, and did change the result of said election; and so this contestant alleges and charges that said election at said Colored Academy precinct, within the county of Columbia, and within the said second congressional district of Florida, was illegal, fraudulent, and void, and that a large number of votes were received thereat for you to which you are not legally entitled, and which should be rejected.

Specification 10th.—That the said election at the Conesville, Fernandina, and King's Ferry precincts, within the county of Nassau, and within the second congressional district of Florida, was irregularly and illegally held and conducted, and was null and void; and I hereby give you notice that I shall urge that all the votes received at each of said precincts be rejected in said election upon the following grounds, viz: That no oath or affirmation in writing was made and subscribed by the inspectors and clerks of said election at said respective polls, and returned with the poll-list, and certified to the clerk of the circuit court of said county, as the law requires, and because at said polls a large number of illegal votes were received of persons not of the age prescribed by law, and of persons not registered as required by law, and of persons not resident of said county as required by law.

Specification 11th.—That the said election at the Darbyville precinct, within the county of Baker, and within the second congressional

district of Florida, was irregularly and illegally conducted ; and a large number of illegal votes of persons not resident of said county, and not registered in said county, were received at said polls, and that you received a large number of illegal votes there to which you were not legally entitled. I hereby notify you that I will urge that said poll be purged of said illegal votes.

Specification 12th.—That a large number of illegal votes were received at the precinct in Pilatka, within the county of Putnam, and within the second congressional district of Florida, of persons not registered and not of legal age, to which you were not entitled. I hereby notify you that I will urge that said poll be purged of said illegal votes.

Specification 13th.—That said election at the Sheriff's-office precinct, in the court-house, within the town and county of Madison, and within the second congressional district of Florida, was irregularly and illegally conducted, and null and void, so that no legal and valid election was held at said precinct ; and I give you notice that I will urge that all the votes cast at said precinct be rejected on the following grounds, viz : 1st. Because the returns from said precinct show that the number of ballots counted out exceed the number of persons who voted at said precinct by eleven (11) votes, as evidenced by the poll-list ; and that the whole number of votes were counted, there being three hundred and nine (309) votes cast and counted, and the poll-list shows only two hundred and ninety-eight, (298.) That one of the inspectors did not, as the law requires, publicly draw out and destroy so many of such ballots as were equal to such excess, thus tending to change the result of the election at said poll, contrary to the statute in such case made and provided, and rendering it impossible to determine the legal vote cast at said poll ; 2d. Because during the adjournment at dinner, on said election-day, the ballot-box of said poll was not kept in the possession of any one of the inspectors of said precinct, and during said adjournment the ballot-box at said poll was concealed from the public ; and, 3d. Because on the election-day, at said precinct, during the absence of the clerk of said precinct from the polls, a person who was not a clerk of said precinct, and not sworn as such, acted as clerk of said poll in taking names of voters, &c., without authority, and contrary to the law in such case made and provided.

Specification 14th.—That said election at the probate office in the court-house within the town and county of Madison, and within the second congressional district of Florida, was irregularly and illegally conducted, and null and void ; and no valid or legal election was held at said precinct ; and I hereby give you notice that I will urge that all the votes received at said poll be rejected on the following grounds, viz : Because at one time during the election on the 3d day of November, A. D. 1874, at said poll only one inspector or judge of the election of said poll was present at said poll, and received a large number of votes during the absence of the other two, during which time there was no legally-constituted board of inspectors at said precinct, rendering said election at said poll null and void.

Specification 15th.—That the said election at the clerk's office in the court-house within the town and county of Madison, and within the second congressional district of Florida, was irregularly and illegally conducted and is null and void ; and I hereby notify you that I will ask that all the votes cast at said poll be rejected on the following ground, viz : Because the returns from said precinct show that the affidavit of the inspectors at said precinct was taken in blank.

Specification 16th.—That said election at Hamburg precinct, within

the county of Madison and within the second congressional district of Florida, was irregularly and illegally conducted, and was null and void; and no valid and legal election was held at said poll; and I hereby notify you that I will ask to have all the votes cast at said poll rejected on the following grounds: Because said election was held by judges or inspectors who were not qualified as such inspectors by the administration of the proper oath as required by law.

Specification 17th.—That the said election at the precinct at justice of the peace office in the court-house within the town and county of Madison, and within the second congressional district of Florida, was irregularly and illegally conducted, and was null and void; and the election at that poll was wholly illegal and invalid, and I hereby notify you that I will ask to have all the votes cast at said poll rejected on the following grounds, viz: Because all the inspectors or judges of said election were not sworn as the law requires, and because there is a variance between the poll-list and number of votes cast at said poll, and because one of the persons (John L. Inglis) who acted at said precinct as an inspector, was not appointed and qualified as such; and so this contestant avers, and verily believes, that at the several polls above named and particularly specified there were illegal votes enough polled and counted to have changed the result of said election, and that if the said illegal votes had not been received and enumerated, the undersigned would have had a majority of all the votes cast in the second congressional district of Florida for Representative as aforesaid at said election; and that the several illegal acts committed by the said several election-boards, together with the informalities and violations of law thereto pertaining, are sufficient in law and in fact to entitle the undersigned contestant to a seat in the Forty-fourth Congress of the United States from the said second congressional district of Florida.

JESSE J. FINLEY.

JACKSONVILLE, FLORIDA, *January 2, 1875.*

I do hereby acknowledge service of a copy of the foregoing notification.

January 7, 1875.

J. T. WALLS.

Answer of contestee.

JACKSONVILLE, FLORIDA,
February 3, 1875.

Hon. J. J. FINLEY, *Contestant*:

SIR: I have the honor to acknowledge the receipt of your notice and complaint regarding your intentions to contest my election and seat as a member of the incoming Forty-fourth Congress from the second congressional district of Florida. I hereby file with you my answer to the same.

Very respectfully,

JOSIAH T. WALLS,
Contestee.

First specification.—To your first specification I reply that the action and decision of the State board of canvassers referred to, at Talla-

hassee, Florida, on the 10th day of December, A. D. 1874, was in accordance with law, and not, as alleged in said specification, "in fraud of the election-laws of the State of Florida and of your rights in the premises."

Neither does it appear from the official returns of the respective counties as made by the authorized county canvassers within said congressional district, that you received a majority of the legal votes cast at said election for member of said Forty-fourth Congress from the second congressional district of Florida; neither did the board of State canvassers, contrary to the statutes of the State of Florida, disregard the official returns from the county of Alachua, within said second congressional district of Florida, and illegally canvass the precincts of Archer, Newnansville, Micanopy, Liberty Hill, Gordon, Orange Creek, and Barnes's store, in said county of Alachua, as set forth in said specification. Your contestee objects to any testimony being received in the case concerning the statements made in said first specification, in which it is stated that the official returns from said county had been rejected, such returns showing gross irregularities, illegalities, informalities, and frauds in the conduct of said election at said polls sufficient to vitiate the said election at said polls, upon the ground that said allegation is too vague, indefinite, and uncertain, inasmuch as said specification does not state how or by whom said returns were rejected. Neither did said board of State canvassers include in their estimate and give me a large number of illegal votes, to wit, about one thousand votes, making a plurality of six hundred and eleven votes from said polls to which I was not entitled under the laws of the State of Florida. Neither is it true, as stated in said specification, that said board of State canvassers illegally counted and canvassed any "illegal returns from Columbia County in said board of county canvassers, for said county was not organized and did not commence the canvass of the votes cast at said election within said county within the time prescribed by law." Neither does it appear, as alleged in said specification, that the canvass and returns of said election for said county were made by persons unauthorized to make such canvass and returns from said county. Neither is it true, as alleged, that said State canvassers illegally counted and gave to me a plurality of about thirty-eight votes to which I was not entitled under the law, but on the contrary no votes were given to me either in Alachua or Columbia County by the board of State canvassers to which I was not legally and justly entitled.

Second specification.—To your second specification I reply "that it is not true that said election, at precinct No. 3, at Gainesville, within the county of Alachua, and within said congressional district of Florida, was irregularly and illegally conducted, and was null and void." As alleged in said specification, contestee believes that it is true, as stated in said specification, "that no poll-book or list of the names of the electors voting at said precinct was returned to the judge of the county court or to the clerk of said county with the certificate of the election at said poll; but a paper list of names was found eight days after said election, unsigned by any of the officers of the election at said precinct." Contestee, however, affirms, and stands ready to prove, that said paper list of names was the identical poll-list used at said No. 3 precinct. Contestee further alleges that the above under no circumstances would be such an irregularity or illegality as would have any effect upon the rights of this contest. Neither is it true, as alleged in said second specification, "that a large number of illegal votes at said election were received and counted at said poll, viz, about fifty-eight votes not regis-

tered." Contestee affirms, and will prove, that all votes given for him were legally and properly cast, and contestee will object to any testimony being introduced concerning any illegal voting at said precincts, inasmuch as it does not appear from said specification for whom said votes were cast, and to be material in the contest it should be stated for whom said votes were polled, so that contestee need not be taken by surprise. Contestee can neither admit nor deny the statement in said specification that five votes were not checked as the law requires, were received at said poll, and changed the result of the election at said poll, and only three appeared to be sworn, and that the oath administered to the unregistered voters was not the oath prescribed by law, "because he does not possess the requisite information to admit or deny the same;" but he does deny that even if the facts are such as above set forth, that they are such irregularities or illegalities as would warrant or authorize the rejection of all or any of the votes polled or cast at said precinct.

Third specification.—To your third specification I reply that it is not true, as stated, that at Liberty Hill, within the county of Alachua, and within the second congressional district of Florida, the election was irregularly and illegally conducted, as set forth in said specification. Neither can contestee comprehend that the fact "the poll-list and ballot-box at said precinct did not correspond, as stated in said specification, has any bearing or relation to this contest," and he will, therefore, object to any testimony being received upon said subject.

Fourth specification.—To the fourth specification I reply that it is not true, as stated in said specification, that the election at Micanopy poll, within the county of Alachua, and within the second congressional district of Florida, was irregularly and illegally conducted, and was null and void; and as to the first ground upon which you ask the rejection of all the votes cast at said poll, contestee says as follows:

He does not know whether or not the inspectors or officers of said Micanopy allowed and permitted about sixty-three persons whose names were not found on the registration-list of said county to vote at said precinct, the same not being sworn as required by law, as charged in said specification; but, from what information he has, he does not believe that said portion of said specification is true.

Contestee says, further, that even if it were true, (which contestee does not admit,) he would have to object to the introduction of any testimony concerning the same, because said portion of the specification is uncertain, indefinite, and vague, in that it does not show for whom said sixty-three votes were cast or polled; neither does it affirm that the rejection of said sixty-three votes would in any way have changed the legal result of said election, and for such other grounds as may be hereafter made to appear. As to the second ground set forth in said fourth specification, which reads as follows: "Because the ballots at said polls were all numbered to correspond with the numbers set opposite the names of the respective voters, thus depriving the voters of said precinct of the right of secrecy guaranteed by law, and changing said election, in effect, to an election *viva voce*, contrary to the statutes," &c., contestee says that he does not know whether or not the ballots were numbered as above set forth, but he will object to any evidence being introduced upon that point of the specification, upon the ground that no fraud, illegality, or irregularity is therein charged, and upon the ground, even if true, that it is not in violation of the statutes of the State of Florida, as alleged by contestant, and upon such other ground as may hereafter appear. As to the third ground in said specification,

opening of the poll and the changing of the results of said poll, contestee says he does not know whether or not the facts as stated are true; but even if the facts are true, which contestee cannot admit, it does not appear from said specification that it was a fraud upon the voters of said precinct, or that it worked any injury to contestant; and for these and other reasons, hereafter to appear, contestee will object to any evidence being received therein.

Fifth specification.—To the fifth specification I reply that it is not true, as stated in said specification, that said election at the Gordon poll, within the county of Alachua, and within the second congressional district of Florida, was irregularly and illegally conducted, and was null and void. Contestee says he does not know whether or not the clerk at said poll was sworn or not as required by law; neither does contestee regard the allegation, if true, material to the issues involved in this contest. As to the second point involved in said specification, that the officers at the Gordon precinct allowed and permitted a large number of votes to be cast at said precinct, who were not legally entitled to vote, viz, about forty who were not registered, and who were not sworn as the law requires, contestee is unable to state whether or not the facts are as above stated, but contestee does not believe that any illegal votes were received at said precinct, and will object to any testimony being received therein, as contestant does not show for whom said votes were polled, or that the result was changed thereby. As to the third point in said specification, relating to the clerk, it has already been stated in the second point of this specification. As to the fourth point in said specification, contestee believes that the ballots in the box at the time the precinct inspectors made the canvass, correspond with the poll-list as the law requires, and as this contestee stands ready to prove. Neither is it true, as stated in paragraph fifth of said specification, that there was no legal election held at said precinct; that illegal votes were cast at said precinct, and that, through said illegal votes, I received a plurality of about twenty votes, thus changing the result of the election at said poll.

Sixth specification.—To this specification I reply that it is not true, as stated, that at the precinct of Barnes's store, within the county of Alachua, and within the second congressional district of Florida, the election was irregularly and illegally conducted, so that there was no valid and legal election held at said precinct. To the first paragraph of said specification I reply, I am informed and believe that the clerk of said election-poll was not a registered voter or citizen of the United States. To second paragraph of said specification, contestee enters a general and special denial to such allegation therein contained; neither are the allegations of gross irregularities, as set forth in the third paragraph of said specification, true, as your contestee stands ready to prove; neither is it true, as stated in the fourth paragraph of said specification, that I received one hundred and twenty-five illegal votes at said precinct, and a plurality of sixty illegal votes at said precinct.

Seventh specification. To your seventh specification I reply as follows: That it is not true, as stated in said specification, that at the said election at the Archer precinct, within the county of Alachua, and within the second congressional district of Florida, the election was irregularly and illegally conducted; neither is it true, as set forth in the first paragraph of said specification, that the inspectors and clerks of said election precincts were not properly and legally sworn, as contestee affirms and will prove; neither are the allegations contained in the second paragraph of said specification true. To the third, fourth, and fifth paragraphs of

said specifications, contestee replies that the facts therein stated are not true, and a general as well as a specific denial is herein interposed to each and every allegation therein contained. To the sixth paragraph in said specification, contestee says that he knows of no discrepancies in the returns from said polls, neither does he know whether said poll was opened as alleged in said paragraph or not, and he emphatically denies that two hundred and ninety-three illegal votes were cast for him, and a majority of one hundred and sixty-eight votes. He also emphatically denies that any illegal votes were cast for him at said precinct.

Eighth specification.—To your eighth specification I reply as follows: It is not true, as stated in said specification, that the said election at the Newnansville precinct, within the second congressional district of Florida, was irregularly and illegally conducted, so that there was no legal and valid election at said poll, and all the allegations contained in said eighth specification are hereby denied in general, as well specifically and in detail. In regard to Alachua County, contestee affirms, and stands ready to prove, that all the precincts on the day of the election above referred to were in the hands of the political and personal friends of the contestant, and that contestant's friends and contestee's enemies were inspectors and clerks at all said precincts in said county; that for all and any irregularities, illegalities, and frauds, (if any should be discovered in said county,) contestant and not contestee is responsible. Contestee believes and affirms that there was a conspiracy among contestant's friends in Alachua County, to so conduct the election at the different polls or precincts in said county as that contestee would be defeated.

Ninth specification.—To your ninth specification I reply as follows: It is not true, as stated, that at said election at the Colored Academy precinct within the county of Columbia, and within the second congressional district of Florida, the election was irregularly, illegally, and fraudulently conducted, thereby rendering the election at said precinct null and void. Contestee further says, in regard to said specification, that he denies the charge in said specification that a majority of the inspectors at said precinct were not properly and legally appointed, and that the poll at the said precinct was opened one hour or more before the time prescribed by law, and before the regularly-appointed inspector had time to reach the place of voting, and before they were required by law to be present and open said poll, and that a large number of votes were polled at said precinct before the legal hour of opening the poll. Contestee also denies the allegation in said specification that a large number of illegal votes were received at said poll, as set forth in said specification, and contestee will object to any testimony being received in regard to said charge of illegal voting, because said charge is too indefinite, vague, and uncertain. Contestant should have furnished the names of all such persons whom he accuses of illegal voting, in order that contestee might be prepared to prove the falsity of said charge. Contestee also denies the charge in said specification that a large number of illegal votes were received at said poll of persons convicted of felonies and disfranchised by the laws of Florida, and of persons under the age of twenty-one years, and of persons who were not residents of said county of Columbia. Contestee will also object to any testimony being received concerning said charge upon the ground already just specified; contestant should have furnished the names of all such persons for the reasons already set forth. Contestee further denies the allegation concerning the illegal conduct of the inspectors at said poll, but asserts

and stands ready to prove that the election at said Colored Academy precinct was in all respects honorably, fairly, and legally conducted, and in full accordance with the laws of the State of Florida, and he emphatically denies that any votes were polled for him at said precinct to which contestee was not legally entitled.

Tenth specification.—To the tenth specification I reply as follows: That it is not true, as alleged, that the said election at the Conerville, Fernandina, and King's Ferry precincts, within the county of Nassau, and within the second congressional district of Florida, was irregularly and illegally held and conducted, and was null and void; and each and every allegation in said tenth specification is hereby denied, and contestee will object to the reception of any evidence in regard to the charge that a large number of illegal votes were polled at said polls, upon the ground that said charge is too vague, indefinite, and uncertain, in this, that contestant does not give the names of the parties whom he charges illegally voted.

Eleventh specification.—To the eleventh specification I reply that said specification is not true, and a general and special denial is hereby interposed to each and every allegation therein contained; and contestee will object to any testimony being introduced as regards the charges of illegal voting at said Darbyville precinct upon the same grounds of objection as set forth in the answer to the tenth.

Twelfth specification.—To your twelfth specification I reply that it is not true, as charged in said specification, that a large number of illegal votes were polled, or that I received any votes in Pilatka, in Putnam County, to which I was not legally entitled; and contestee will object to any testimony being taken in regard to the election in Pilatka, in county of Putnam, upon the ground that contestant does not allege that Pilatka was a polling-place, or legally constituted as such, and upon the ground that contestant fails to furnish the names of the parties whom he claims voted illegally.

Thirteenth specification.—To the thirteenth specification I reply that I hereby interpose a general and special denial to each and every allegation contained in said thirteenth specification.

Fourteenth specification.—To the fourteenth specification I hereby interpose a general and special denial to each and every allegation.

Fifteenth specification.—To the fifteenth specification I hereby interpose a general and specific denial to each and every allegation therein contained.

Sixteenth specification.—To the sixteenth specification I hereby interpose a general and specific denial to each and every allegation therein contained.

Seventeenth specification.—To the seventeenth specification I hereby interpose a general and specific denial to each and every allegation therein contained.

You will please notice that I will ask the rejection of all the votes polled at Moccasin Creek precinct, Saint John's County, in the second congressional district of Florida, upon the following grounds:

Specification first.—Because no poll-list was returned as the law directs. Because unregistered persons voted to whom the proper oath was not administered. Because the poll-list and ballot-boxes did not correspond. Because the poll was open one hour or more after the time prescribed by law. Because the clerks of elections and inspectors were not sworn according to law. Because the clerk was not a registered voter. Because illegal votes were polled for you at said precinct. Because the ballot-box was concealed during the dinner-hour. Because the inspectors

were not legally chosen. Because the canvassers canvassed before the hour had arrived for closing the poll, and commenced the canvass of the votes before the polls closed. Because the ballot-boxes and returns of said precinct and certificate of election at said precinct was not returned to clerk of circuit court, securely sealed as required by law. Because persons who had been convicted of felonies, and were under twenty-one years of age, voted for you at said precinct. Because a person not authorized to act as clerk acted as the clerk a portion of the time during the election-hours. Because only one of the inspectors was present during a portion of the time when the election was going on, and received a large number of votes illegally. Because the affidavits of the inspectors were signed in blank and not as the law requires, and I hereby call your attention particularly to the following facts: A. C. Rogers, who voted for you at said precinct, was not registered, and was not sworn as the law provides in the case of unregistered votes.

I also shall ask the rejection of all the votes polled at Osceola precinct, upon all the same grounds as set forth above, with the exception of what is stated as regards A. C. Rogers. Your attention is particularly called to the fact that George Cole, inspector at Osceola precinct, was not sworn.

I shall also ask the rejection of all the votes polled at Sampson precinct upon all the grounds set forth as above, and particularly call your attention to the fact that H. M. Emerly, inspector at said precinct, was not sworn.

I shall also ask the rejection of all the votes polled at How Creek precinct upon all the grounds set forth above, and particularly call your attention to the fact that J. J. Harvey, inspector at said precinct, was not sworn.

I shall also ask the rejection of all the votes polled at Saint Augustine precinct upon all the grounds already set forth, and particularly because the clerk failed to sign said precinct-returns as required by law, and for the reasons set forth in the above specification. I shall ask the votes polled at the above-named precinct be rejected.

You will please take notice that I will ask the rejection of all the votes cast in the county of Brevard, in the second congressional district of Florida, upon the following grounds: Because the canvass was improperly and illegally made in this: said canvass was made by one A. A. Stewart, clerk of the circuit court, and John Houston, justice of the peace, said persons or officers having no authority to make such canvass. Because no voting-precincts were established as required by law in said county, and no inspectors or clerks of election-precincts were appointed and constituted as required by law. Because no poll-lists were returned as the law requires, from the various voting-precincts. Because unregistered persons voted, to whom the proper oath was not administered at the various voting-precincts in said county. Because the votes in the ballot-boxes and the poll-lists did not correspond at the various precincts in said county. Because the polling-places in said county were opened one hour or more after the time prescribed by law. Because the clerks of elections and inspectors were not sworn according to law. Because the clerks of elections at the various precincts were not registered voters. Because at some of the precincts the affidavits of the inspectors were signed in blank, and not as the law requires.

You will please take notice that I shall ask the rejection of all the votes cast in the counties of Suwannee, Hamilton, Bradford, Baker, Clay, Orange, and Dade, in the second congressional district of Florida, upon

the following grounds: Because no poll-lists were returned as the law requires. Because unregistered persons voted, to whom the proper oath was not administered. Because the poll-lists and ballot-boxes did not correspond. Because the polls were opened one hour or more after the time prescribed by law. Because the clerks of elections and inspectors were not sworn according to law. Because the clerks were not registered voters. Because illegal votes were polled for you at said precincts. Because ballot-boxes were concealed during the dinner-hour. Because the inspectors were not legally chosen. Because the canvassers canvassed before the hour had arrived for closing the polls, and commenced the canvass of the votes before the polls closed. Because the ballot-boxes and returns of said precincts and certificates of election at said precincts were not returned to clerks of circuit court securely sealed, as provided by law. Because persons who had been convicted of felonies, and were under twenty-one years of age, voted for you at said precincts. Because persons not authorized to act as clerks acted as clerks a portion of the time during the election-hours. Because only one of the inspectors was present during a portion of the time when the election was going on, and received a large number of votes illegally. Because the affidavits were signed in blank and not as the law required.

I shall particularly ask the rejection of all the votes polled in said Dade County, because W. Watkin Hicks, one of the county canvassers, and who acted as justice of the peace and signed the certificates of elections from the said county, was a candidate for the State legislature from the said county, and canvassed his own election, thus making the whole election void.

I shall, in the matter of Baker County, in addition to asking the rejection of all the votes polled in said county, particularly ask for the rejection of all the votes polled at Johnsville and Olustee precincts in said county, upon the grounds that a large number of unregistered votes were polled for you, and upon the ground that persons who were not citizens of this State voted for you at the said precincts.

I shall, in the matter of Orange County, particularly ask the rejection of all the votes in the said county, because you received more votes than the registered vote of the said county, and many persons voted for you who were neither registered voters or citizens. I shall, in the matter of Volusia County, particularly ask the rejection of all the votes polled in the said county, upon the ground that both the precincts and county canvass were made in secret, and for the purpose, as the result proved, of committing a great fraud upon me.

In conclusion, I hereby notify you that I shall ask for a thorough examination of all frauds committed at the late election in the second congressional district of Florida, and shall take advantage of any and all such frauds in the contest.

JOSIAH T. WALLS,
Contestee.

Agreement No. 1.

STATE OF FLORIDA,
Duval County:

This agreement, entered into this 4th day of March, A. D. 1875, between Jesse J. Finley (contesting the seat of Josiah T. Walls as a member of the House of Representatives of the Forty-fourth Congress of the

United States, from the second congressional district of Florida) and Josiah T. Walls, witnesseth :

That it is hereby mutually agreed between said parties that the said contestant be allowed forty days from the adjournment of the Forty-third Congress, that is, from this day, to take original testimony ; and that the contestee be allowed forty days thereafter to take his testimony in said case ; and that contestant be allowed ten days thereafter to take testimony in rebuttal ; and we hereby waive any objection as to time of taking testimony in conflict with this agreement.

JESSE J. FINLEY,
Contestant.

J. T. WALLS,
Contestee,

By his attorney, ALVA A. KNIGHT.

Agreement No. 2.

STATE OF FLORIDA,
Duval County :

This agreement, entered into this 31st day of March, A. D. 1875, between Jesse J. Finley, contesting the seat of Josiah T. Walls as a member of the House of Representatives of the Forty-fourth Congress of the United States, from the second congressional district, witnesseth :

That it is hereby mutually agreed between said parties that the said Jesse J. Finley, contestant as aforesaid, shall have forty days in addition to the time stated in the agreement entered into between said parties on the 4th day of March, A. D. 1875, for taking original testimony ; and that the said Josiah T. Walls, contestee as aforesaid, shall have forty days thereafter to take his testimony in said contested case ; and that the said contestant be allowed ten days thereafter to take testimony in rebuttal ; and we do hereby waive any objection as to time of taking testimony in conflict with this agreement.

JESSE J. FINLEY,
Contestant.

JOSIAH T. WALLS,
Contestee,

By his attorney, A. A. KNIGHT.

Agreement No. 3.

STATE OF FLORIDA,
Duval County :

¶ This agreement, entered into this the 7th day of May, A. D. 1875, between Jesse J. Finley, contesting the seat of Josiah T. Walls, as a member of the House of Representatives of the Forty-fourth Congress of the United States of America, from the second congressional district of Florida, witnesseth :

That it is hereby mutually agreed between said contestant and said contestee that said contestant, Jesse J. Finley, shall have forty days from the 15th day of July, A. D. 1875, for taking original testimony in said contested-election case ; and that said contestee, the said Josiah T. Walls, shall have forty days next thereafter to take testimony in his behalf ; and that said contestant shall have ten days after the said last-mentioned forty days to take rebutting testimony ; and we do hereby

mutually waive any objection as to the time of taking the testimony in this cause as required by act of Congress.

JESSE J. FINLEY,
Contestant.

JOSIAH T. WALLS,
By his attorney in fact, ALVA A. KNIGHT.

Agreement No. 4.

GAINESVILLE, FLA.,
August 23, 1875.

IN THE MATTER OF JESSE J. FINLEY, CON-
testant,
vs.
JOSIAH T. WALLS, CONTESTEE. } Forty-fourth Congress.

It is mutually agreed that Josiah T. Walls, contestee, shall have forty days from the 15th day of September, 1875, in which to take testimony in the above-entitled case; and that at the expiration of said forty days from the 15th day of September, 1875, the said Jesse J. Finley, contestant, shall have ten days in which to take rebutting testimony.

J. T. WALLS,
Contestee.

JESSE J. FINLEY,
Contestant,

By S. T. FINLEY,
His Attorney.

A true copy.

[Official.]

Certificate of State canvassers, election of November 3, 1874.

We, Samuel B. McLin, secretary of state of the State of Florida, Wm. Archer Cocke, attorney-general of said State, and Clayton A. Cowgill, comptroller of said State, members ex-officio of the board of State canvassers, met at the office of the said secretary of state, at the capitol, at Tallahassee, this the 4th day of December, A. D. 1874, and proceeded to canvass the returns for the general State election, held on November 3, A. D. 1874.

The following is the result of said canvass, viz :

FIRST SENATORIAL DISTRICT.—ESCAMBIA COUNTY.

Whole number of votes cast for Congressman, twenty-one hundred and one, (2,101.)

Whole number of votes cast for assemblymen, forty-two hundred and twenty-six, (4,226.)

For Congressman, W. J. Purman received nine hundred and eighty votes, (980.)

For Congressman, John A. Henderson received eleven hundred and twenty-one votes, (1,121.)

For assemblyman, Wm. H. Diffin received nine hundred and ninety votes, (990.)

For assemblyman, Peter H. Davidson received nine hundred and ninety votes, (990.)

For assemblyman, Charles W. Jones received eleven hundred and twenty-four votes, (1,124.)

For assemblyman, J. J. McGuire received eleven hundred and twenty-two votes, (1,122.)

SECOND SENATORIAL DISTRICT.—SANTA ROSA COUNTY.

The following resolution was unanimously adopted in relation to this county:

Resolved, That the returns from Santa Rosa County, sent to the board of State canvassers, for the election held in that county the 3d day of November, A. D. 1874, being so false, fraudulent, and irregular, that the board is unable to determine and declare who are elected to the respective offices for which the votes were cast, and that the members of said board decline to count the votes from said county.

WALTON COUNTY.

Whole number of votes cast for Congressman, five hundred, (500.)

Whole number of votes cast for State senator, four hundred and eighty-eight, (488.)

Whole number of votes cast for assemblyman, four hundred and fifty-eight, (458.)

For Congressman, W. J. Purman received forty-five votes, (45.)

For Congressman, John A. Henderson received four hundred and fifty-five votes, (455.)

For State senator, A. L. McCaskill received four hundred and thirty-eight votes, (438.)

For State senator, W. D. J. Collins received fifty votes, (50.)

For assemblyman, G. H. Berry received four hundred and fifty-eight votes, (458.)

THIRD SENATORIAL DISTRICT.—JACKSON COUNTY.

Whole number of votes cast for Congressman, two thousand one hundred and fifty-five, (2,155.)

Whole number of votes cast for assemblyman, six thousand four hundred and sixty-three, (6,463.)

For Congressman, W. J. Purman received twelve hundred and fifty-six votes, (1,256.)

For Congressman, John A. Henderson received eight hundred and ninety-seven votes, (897.)

For Congressman, L. M. Gamble received two votes, (2.)

For assemblyman, Benjamin F. Livingston received twelve hundred and fifty-nine votes, (1,259.)

For assemblyman, W. J. Purman received twelve hundred and forty-eight votes, (1,248.)

For assemblyman, Robert H. Dennis received twelve hundred and forty-nine votes, (1,249.)

For assemblyman, Robert J. Pittman received nine hundred and eight votes, (908.)

For assemblyman, Benjamin F. Parker received nine hundred votes, (900.)

For assemblyman, John M. F. Erwin received eight hundred and ninety-nine votes, (899.)

FOURTH SENATORIAL DISTRICT.—HOLMES COUNTY.

Whole number of votes cast for Congressman, two hundred and sixty-one, (261.)

Whole number of votes cast for State senator, two hundred and thirty-six, (236.)

Whole number of votes cast for assemblyman, two hundred and forty-three, (243.)

For Congressman, W. J. Purman received eight votes, (8.)

For Congressman, John A. Henderson received two hundred and fifty-three votes, (253.)

For State senator, A. D. McKinnon received two hundred and thirty-six votes, (236.)

For assemblyman, Malcolm Gillis received one hundred and twenty-three votes, (123.)

For assemblyman, John A. Vaughan received eighty-seven votes, (87.)

For assemblyman, H. K. Hagan received twenty-seven votes, (27.)

For assemblyman, Dennis Howel received six votes, (6.)

WASHINGTON COUNTY.

Whole number of votes cast for Congressman, three hundred and ninety-four, (394.)

Whole number of votes cast for State senator, three hundred and seven, (307.)

Whole number of votes cast for assemblyman, three hundred and eighty-two, (382.)

For Congressman, W. J. Purman received eighty-three votes, (83.)

For Congressman, John A. Henderson received three hundred and four votes, (304.)

For Congressman, William J. Perman received seven votes, (7.)

For State senator, A. D. McKinnon received three hundred and five votes, (305.)

For State senator, William Miller received one vote, (1.)

For State senator, Angus McMillan received one vote, (1.)

For assemblyman, Thomas Hannah received two hundred and nine votes, (209.)

For assemblyman, Walter R. Gainer received one hundred and seventy-three votes, (173.)

FIFTH SENATORIAL DISTRICT.—CALHOUN COUNTY.

Whole number of votes cast for Congressman, one hundred and seventy-five, (175.)

Whole number of votes cast for assemblyman, one hundred and seventy, (170.)

For Congressman, W. J. Purman received forty-one votes, (41.)

For Congressman, John A. Henderson received one hundred and thirty-four votes, (134.)

For assemblyman, James Stanfill received ninety votes, (90.)

For assemblyman, L. Baker received eighty votes, (80.)

FRANKLIN COUNTY.

Whole number of votes cast for Congressman, two hundred and forty-seven, (247.)

Whole number of votes cast for assemblyman, two hundred and forty-four, (244.)

For Congressman, W. J. Purman received eighty-seven votes, (87.)

For Congressman, John A. Henderson received one hundred and sixty votes, (160.)

For assemblyman, William T. Orman received one hundred and fifty-seven votes, (157.)

For assemblyman, A. J. Murat received eighty-seven votes, (87.)

SIXTH SENATORIAL DISTRICT.—GADSDEN COUNTY.

Whole number of votes cast for Congressman, eighteen hundred, (1,800.)

Whole number of votes cast for State senator, seventeen hundred and eighty-eight, (1,788.)

Whole number of votes cast for assemblymen, four thousand two hundred and eighty-four, (4,284.)

For Congressman W. J. Purman received eleven hundred and sixty votes, (1,160.)

For Congressman, John A. Henderson received six hundred and forty votes, (640.)

For State senator, Fred Hill received eleven hundred and fifty-six votes, (1,156.)

For State senator, D. W. Holloman received six hundred and thirty-two votes, (632.)

For assemblyman, George Nixon received eleven hundred and fifty-seven votes, (1,157.)

For assemblyman, M. Martin received eleven hundred and sixty-six votes, (1,166.)

For assemblyman, H. S. Reeves received six hundred and twenty-six votes, (626.)

For assemblyman, W. J. Scull received six hundred and thirty-four votes, (634.)

For assemblyman, L. C. Armistead received one vote, (1.)

SEVENTH SENATORIAL DISTRICT.—LIBERTY COUNTY.

Whole number of votes cast for Congressman, two hundred and eight, (208.)

Whole number of votes cast for assemblyman, two hundred and six, (206.)

For Congressman, W. J. Purman received seventy-six votes, (76.)

For Congressman, John A. Henderson received one hundred and thirty-two votes, (132.)

For assemblyman, Theophilus H. Jackson received one hundred and twenty-eight votes, (128.)

For assemblyman, L. D. Carson received seventy-eight votes, (78.)

WAKULLA COUNTY.

Whole number of votes cast for Congressman, four hundred and three, (403.)

Whole number of votes cast for assemblyman, three hundred and twenty-nine, (329.)

For Congressman, W. J. Purman received one hundred and forty-four votes, (144.)

For Congressman, John A. Henderson received two hundred and fifty-nine votes, (259.)

For assemblyman, John S. Ferrell received two hundred and thirty-seven votes, (237.)

For assemblyman, Thomas F. Swearingen received ninety-two votes, (92.)

EIGHTH SENATORIAL DISTRICT.—LEON COUNTY.

Whole number of votes cast for Congressman, twenty-eight hundred and ninety-seven, (2,897.)

Whole number of votes cast for State senator, twenty-eight hundred and thirty-one, (2,831.)

Whole number of votes cast for assemblyman, ten thousand nine hundred and fifty-nine, (10,959.)

For Congressman, W. J. Purman received twenty-three hundred and ninety-five votes, (2,395.)

For Congressman, John A. Henderson received four hundred and ninety-six votes, (496.)

For State senator, John N. Stokes received twelve hundred and eighty-five votes, (1,285.)

For State senator, John Wallace received fifteen hundred and ten votes, (1,510.)

For State senator, Samuel Walker received thirty-six votes, (36.)

For assemblyman, John E. Proctor received fourteen hundred and sixty votes, (1,460.)

For assemblyman, Z. M. Morehead received fourteen hundred and twenty-five votes, (1,425.)

For assemblyman, C. F. Avery received twelve hundred and eighty-eight votes, (1,288.)

For assemblyman, Lucian Fisher received thirteen hundred and seventeen votes, (1,317.)

For assemblyman, C. H. Walton received twelve hundred and eighty-two votes, (1,282.)

For assemblyman, Henry Griffin received twelve hundred and sixty-two votes, (1,262.)

For assemblyman, B. W. Roberts received twelve hundred and sixty votes, (1,260.)

For assemblyman, A. DeCoursey received twelve hundred and seventy-nine votes, (1,279.)

For assemblyman, Madison J. Joyner received seventeen votes, (17.)

For assemblyman, Wallace B. Carr received thirty-seven votes, (37.)

For assemblyman, John Tyler, jr., received sixty-five votes, (65.)

For assemblyman, Henry Hicks received two hundred and sixty-five votes, (265.)

For assemblyman, S. L. Tibbitts received one vote, (1.)

For assemblyman J. N. Stokes received one vote, (1.)

For Congressman, R. Meacham received two votes, (2.)

For Congressman, Robt Cox received one vote, (1.)

For Congressman, Chas. H. Pearce received one vote, (1.)

For Congressman, Zed. Morehead received two votes, (2.)

NINTH SENATORIAL DISTRICT.—JEFFERSON COUNTY.

Whole number of votes cast for Congressman, twenty-six hundred and twenty, (2,620.)

Whole number of votes cast for assemblyman, seven thousand three hundred and fifty-three, (7,353.)

For Congressman, W. J. Purman received two thousand and twenty votes, (2,020.)

For Congressman, John A. Henderson received six hundred votes, (600.)

For assemblyman, J. W. Johnson received nine hundred and nineteen votes, (919.)

For assemblyman, John Mays received eight hundred and ninety-eight votes, (898.)

For assemblyman, W. R. Long received nine hundred and three votes, (903.)

For assemblyman, G. W. Witherspoon received eleven hundred and thirty-five votes, (1,135.)

For assemblyman, Chas. Harris received nine hundred and thirty-four votes, (934.)

For assemblyman, Augustus Tilghman received nine hundred and thirty-four votes, (934.)

For assemblyman, D. H. Bryan received five hundred and thirty-nine votes, (539.)

For assemblyman, W. C. Thomas received five hundred and forty-five votes, (546.)

For assemblyman, Martin Bishop received five hundred and forty-six votes, (546.)

TENTH SENATORIAL DISTRICT.—MADISON COUNTY.

Whole number of votes cast for Representative for Congress, was twenty-one hundred and forty-seven, (2,147.)

Whole number of votes cast for State senator was twenty-one hundred and forty-two, (2,142.)

Whole number of votes cast for members of assembly was forty-two hundred and seventy, (4,270.)

For Congress, Josiah T. Walls received thirteen hundred and eight, (1,308.)

For Congress, Jesse J. Finley received eight hundred and thirty-nine, (839.)

For State senator, Alfred B. Osgood received twelve hundred and eighty-two, (1,282.)

For State senator, George F. Drew received eight hundred and sixty (860.)

For assemblyman, David Montgomery received twelve hundred and ninety-seven, (1,297.)

For assemblyman, O. J. Coleman received thirteen hundred and thirteen, (1,313.)

For assemblyman, Amon DeLaughter received eight hundred and twenty-eight, (828.)

For assemblyman, Benjamin W. Tedder received eight hundred and thirty-two, (832.)

ELEVENTH SENATORIAL DISTRICT.—HAMILTON COUNTY.

Whole number of votes cast for Representative in Congress was seven hundred and eighty-one, (781.)

Whole number of votes cast for assemblyman was seven hundred and one, (701.)

For Congress, Jesse J. Finley received five hundred and fifty, (550.)

For Congress, Josiah T. Walls received two hundred and thirty-one (231.)

For assembly, Wm. J. J. Duncan received four hundred and forty-one, (441.)

Jeremiah B. Smith received two hundred and sixty, (260.)

Peter Croom received fifty-nine, (59.)

SUWANNEE COUNTY.

Whole number of votes cast for Representative in Congress was eight hundred and thirty, (830.)

Whole number of votes cast for assemblyman was eight hundred and twenty-two, (822.)

For Congress, Jesse J. Finley received four hundred and thirty-seven, Josiah T. Walls received three hundred and ninety-three, (393.)

For assembly, Daniel M. McAlpin received four hundred and seventeen votes, (417.)

A. N. Smith received three hundred and eighty-three votes, (383.)

E. F. Henderson received one vote, (1.)

George W. Allen received twenty-one votes, (21.)

TWELFTH SENATORIAL DISTRICT.—LAFAYETTE COUNTY.

Whole number of votes cast for Representative in Congress was two hundred and sixty-nine, (269.)

John A. Henderson received two hundred and sixteen votes, (216.)

William J. Purman received fifty-three votes, (53.)

The whole number of votes cast for State senator was two hundred and seventy-three, (273.)

J. L. F. Cottrell received one hundred and eighty votes, (180.)

James A. Shiver received forty-nine votes, (49.)

M. A. Ridgeway received forty-four votes, (44.)

The whole number of votes cast for member of assembly was two hundred and seventy-two, (272.)

Redden B. Hill received one hundred and twelve votes, (112.)

T. E. Langford received eighty votes, (80.)

R. L. Ivey received fifty-one votes, (51.)

W. D. Sears received twenty-nine votes, (29.)

TAYLOR COUNTY.

The whole number of votes cast for Representative in Congress was two hundred and twenty-six.

John A. Henderson received one hundred and sixty-eight votes, (168.)

W. J. Purman received fifty-eight votes, (58.)

Whole number of votes cast for State senator was two hundred and thirty-two, (232.)

J. L. F. Cottrell received one hundred and forty-nine votes, (149.)

James A. Shiver received seventy-four votes, (74.)

M. A. Ridgeway received nine votes, (9.)

Whole number of votes cast for member of the assembly was two hundred and twenty-one, (221.)

W. W. Whiddon received one hundred and seven votes, (107.)

John H. Sutton received one hundred and fourteen votes, (114.)

THIRTEENTH SENATORIAL DISTRICT.—ALACHUA COUNTY.

Whole number of votes cast for Representative in Congress was twenty-three hundred and twenty-three, (2,323.)

Josiah T. Walls received fifteen hundred and sixty-seven, (1,567.)

Jesse J. Finley received seven hundred and fifty-six, (756.)

Whole number of votes cast for member of the assembly was forty-three hundred and twenty-three, (4,323.)

T. C. Gass received fifteen hundred and fifty-seven, (1,557.)

George Washington received fifteen hundred and fifty-five, (1,555.)

A. D. Mayo received four hundred and seventy-five, (475.)

John W. Raymond received six hundred and eight, (608.)

R. Y. H. Thomas received two, (2.)

John B. Dell received one hundred and twenty-five, (125.)

J. M. Sparkman received forty-five, (45.)

J. H. Stokes received one, (1.)

LEVY COUNTY.

Whole number of votes cast for Representative in Congress was five hundred and twenty-five, (525.)

John A. Henderson received three hundred and eighty-six, (386.)

W. J. Purman received one hundred and thirty-nine, (139.)

Whole number of votes cast for member of the assembly was five hundred and twenty-two, (522.)

Wm. J. Jones received three hundred and fifty, (350.)

Washington Rogers received one hundred and seventy-two, (172.)

FOURTEENTH SENATORIAL DISTRICT.—COLUMBIA COUNTY.

Whole number of votes cast for Representative in Congress was thirteen hundred and ninety, (1,390.)

Whole number of votes cast for State senator was thirteen hundred and forty-nine, (1,349.)

Whole number of votes cast for members of the assembly was two thousand seven hundred and fifteen, (2,715.)

For Congress, Josiah T. Walls received seven hundred and fourteen, (714.)

Jesse J. Finley received six hundred and seventy-six votes, (676.)

For senator, E. G. Johnson received seven hundred and nine votes, (709.)

Francis M. Weeks received six hundred and forty votes, (640.)

For assembly, Josiah H. Armstrong received seven hundred and fourteen votes, (714.)

Charles Thompson received seven hundred and fifteen votes, (715.)

K. E. Edge received six hundred and fifty votes, (650.)

Daniel N. Cone received six hundred and thirty-six votes, (636.)

FIFTEENTH SENATORIAL DISTRICT.—BRADFORD COUNTY.

Whole number of votes cast for Representative in Congress was six hundred and ninety, (690.)

Whole number of votes cast for member of assembly was six hundred and seventy-one, (671.)

For Congress, Jesse J. Finley received five hundred and nine votes, (509.)

Josiah T. Walls received one hundred and eighty-one votes, (181.)

For assembly, Charles E. Jones received four hundred and ninety votes, (490.)

Alfred Minns received one hundred and eighty-one votes, (181.)

CLAY COUNTY.

Whole number of votes cast for Representative in Congress was three hundred and two votes, (302.)

Whole number of votes cast for assemblyman was two hundred and seventy-eight, (278.)

For Congress, Jesse J. Finley received two hundred votes, (200.)

Josiah T. Walls received one hundred and two votes, (102.)

For assemblyman, Benjamin Frisby received one hundred and sixty-five votes, (165.)

William Long received one hundred and thirteen votes, (113.)

SIXTEENTH SENATORIAL DISTRICT.—BAKER COUNTY.

Whole number of votes cast for Representative in Congress was three hundred and sixty-eight, (368.)

Whole number of votes cast for State senator was three hundred and sixty, (360.)

Whole number of votes cast for member of the assembly was three hundred and sixty-three, (363.)

For Congress, Josiah T. Walls received one hundred and thirty-four votes, (134.)

Jesse J. Finley received two hundred and thirty-four votes, (234.)

For State senator, John W. Howell received one hundred and forty-seven votes, (147.)

B. H. Gurganus received two hundred and thirteen votes, (213.)

For assemblyman, Stephen Roberts received one hundred and thirty-three votes, (133.)

Samuel N. Williams, sr., received six votes, (6.)

F. J. Pons received two hundred and twenty-four votes, (224.)

NASSAU COUNTY.

Whole number of votes cast for Representative in Congress was twelve hundred, (1,200.)

Whole number of votes cast for State senator was eleven hundred and ninety-six, (1,196.)

Whole number of votes cast for member of the assembly was twelve hundred and twenty-six, (1,226.)

For Congress, Josiah T. Wall received six hundred and sixty-five votes, (665.)

Jesse J. Finley received five hundred and thirty-five votes, (535.)

For State senator, John W. Howell received six hundred and sixty-eight votes, (668.)

B. H. Gurganus received five hundred and twenty-seven votes, (527.)

Liberty Billings received one vote, (1.)

For assembly, Samuel Petty received six hundred and forty votes, (640.)

James McGriffin received five hundred and eighty-six votes, (586.)

SEVENTH SENATORIAL DISTRICT.—SAINT JOHN'S COUNTY.

Whole number of votes cast for Representative in Congress was six hundred and forty-seven, (647.)

Whole number of votes cast for member of the assembly was six hundred and forty-four, (644.)

For Congress, Jesse J. Finley received four hundred and thirty-nine votes, (439.)

Josiah T. Walls received two hundred and eight votes, (208.)

For assemblyman, Thomas T. Russell received four hundred and thirty-six votes, (436.)

F. E. Mitsell received two hundred and eight votes, (208.)

PUTNAM COUNTY.

Whole number of votes cast for Representative in Congress was nine hundred and forty-two, (942.)

Whole number of votes cast for member of the assembly was nine hundred and forty-one, (941.)

For Congress, Jesse J. Finley received four hundred and ninety-one votes, (491.)

Josiah T. Walls received four hundred and fifty-one votes, (451.)

For assemblyman, E. R. Chadwick received four hundred and seventy-seven votes, (477.)

Samuel E. Timmons received four hundred and sixty-four votes, (464.)

EIGHTEENTH SENATORIAL DISTRICT.—DUVAL COUNTY.

Whole number of votes cast for Representative in Congress was twenty-two hundred and eighty-five, (2,285.)

Whole number of votes cast for State senator was twenty-two hundred and sixty-three, (2,263.)

Whole number of votes cast for members of the assembly was forty-four hundred and ninety-five, (4,495.)

For Congress, Josiah T. Walls received thirteen hundred and seventy-five votes, (1,375.)

Jesse J. Finley received nine hundred and ten votes, (910.)

For State senator, Joseph H. Dukee received twelve hundred and ninety-two votes, (1,292.)

Uriah Bowden received seven hundred and seventy-seven votes, (777.)

C. F. Mawbey received one hundred and ninety-three votes, (193.)

Scattering, one vote, (1.)

For assembly, Alfred Grant received thirteen hundred and sixty-eight votes, (1,368.)

Joseph E. Lee received thirteen hundred and twenty-three votes, (1,323.)

Thomas Lancaster received ninety-eight votes, (98.)

Daniel M. McInniss received sixty votes, (60.)

Joshua L. Burch received seven hundred and ninety-six votes, (796.)

Aristides Doggett received seven hundred and ninety-one votes, (791.)

John T. Edwards received thirty-one votes, (31.)

Scattering received twenty-eight, (28.)

NINETEENTH SENATORIAL DISTRICT.—MARION COUNTY.

Whole number of votes cast for Representative in Congress was sixteen hundred and eighty, (1,680.)

Whole number of votes cast for member of assembly was twenty-seven hundred and sixty-five, (2,765.)

For Congress, Josiah T. Walls received ten hundred and seventy-two votes, (1,072.)

Jesse J. Finley received six hundred and eight votes, (608.)

For assemblyman, W. J. Tucker received ten hundred and sixty-one votes, (1,061.)

Samuel Small received ten hundred and eighty-one votes, (1,081.)

H. W. Long received five hundred and ninety-six votes, (596.)

W. A. Wilkinson received twenty-seven votes, (27.)

TWENTIETH SENATORIAL DISTRICT.—VOLUSIA COUNTY.

Whole number of votes cast for Representative in Congress was three hundred and sixty-four, (364.)

Whole number of votes cast for State senator was three hundred and forty-two, (342.)

Whole number of votes cast for member of assembly was two hundred and thirty-nine, (239.)

For Congress, Jesse J. Finley received two hundred and eighty-four votes, (284.)

Josiah T. Walls received eighty votes, (80.)

For State senator, E. K. Foster, jr., received one hundred and forty-nine votes, (149.)

George C. Brantly received one hundred and ninety-three votes, (193.)

For assembly, B. R. Wilson received eighty votes, (80.)

J. H. Fowler received fifty-five votes, (55.)

Champ H. Spencer received forty votes, (40.)

B. W. Browne received seven votes, (7.)

Antony Freeman received seventy votes, (70.)

U. M. Bennett received fifty-three votes, (53.)

S. Louerre received fourteen votes, (14.)

ORANGE COUNTY.

Whole number of votes cast for Representative in Congress is six hundred and fifty-five votes, (655.)

Whole number of votes cast for State senator was six hundred and thirty-six votes, (636.)

Whole number of votes cast for member of assembly was six hundred and two, (602.)

For Congress, Jesse J. Finley received six hundred and four votes, (604.)

Josiah T. Walls received fifty-one votes, (51.)

For State senator, George C. Brantly received four hundred and forty-four votes, (444.)

E. K. Foster, jr., received one hundred and ninety-two votes, (192.)

For assembly, John M. Bryan received three hundred and forty-five votes, (345.)

John R. Mizell received two hundred and fifty votes, (250.)

Thomas J. Shine received seven votes, (7.)

TWENTY-FIRST SENATORIAL DISTRICT.—DADE COUNTY.

Whole number of votes cast for Representative in Congress was thirty-five, (35.)

Whole number of votes cast for member of assembly, thirty-six, (36.)

For Congress, Jesse J. Finley received twenty-three votes, (23.)

Josiah T. Walls received twelve votes, (12.)

For member of assembly, W. Watkin Hicks received twenty-six votes, (26.)

W. B. Brickel received ten votes, (10.)

BREVARD COUNTY.

Whole number of votes cast for Representative in Congress was eighty-eight votes, (88.)

Whole number of votes cast for member of assembly was eighty-six, (86.)

For Congress, Jesse J. Finley received eighty-three votes, (83.)

Josiah T. Walls received five votes, (5.)

For assembly, Quinn Bass received forty-four votes, (44.)

Bethel J. Stewart received twenty-four votes, (24.)

George S. Willard received eighteen votes, (18.)

TWENTY-SECOND SENATORIAL DISTRICT.—HILLSBOROUGH COUNTY.

Whole number of votes cast for Representative in Congress was five hundred and fifty-nine, (559.)

William J. Purman received one hundred and forty-two, (142.)

John A. Henderson received four hundred and seventeen, (417.)

Whole number of votes cast for State senator was four hundred and forty-four, (444.)

H. T. Lykes received two hundred and forty-seven, (247.)

Samuel E. Hope received one hundred and ninety-seven, (197.)

Whole number of votes cast for member of assembly was four hundred and seventeen, (417.)

H. L. Mitchell received four hundred and sixteen, (416.)

Isaac Howard received one, (1.)

HERNANDO COUNTY.

Whole number of votes cast for Representative in Congress was five hundred and thirteen, (513.)

John A. Henderson received three hundred and sixty, (360.)

W. J. Purman received one hundred and fifty-three, (153.)

Whole number of votes cast for State senator was five hundred and seventeen, (517.)

Samuel E. Hope received two hundred and fifty-six, (256.)

Howell T. Lykes received two hundred and sixty-one, (261.)

Whole number of votes cast for member of assembly was five hundred and twenty-six, (526.)

Newton A. Carter received three hundred and sixty-six, (366.)

Arthur Sinclair received one hundred and fifty-four, (154.)

Mitchell Jones received six, (6.)

TWENTY-THIRD SENATORIAL DISTRICT.—SUMTER COUNTY.

The whole number of votes cast for Representative in Congress was four hundred and eighty-eight, (488.)

John A. Henderson received three hundred and sixty-four votes, (364.)

William J. Purman received one hundred and twenty-four votes, (124.)

Whole number of votes cast for member of the assembly was four hundred and eighty-four votes, (484.)

Hugh A. Corley received three hundred and fifty votes, (350.)

G. M. T. Simmons received one hundred and thirty-four votes, (134.)
POLK COUNTY.

The whole number of votes cast for Representative in Congress was three hundred and forty-three votes, (343.)

John A. Henderson received three hundred and thirty-eight votes, (338.)

William J. Purman received five votes, (5.)

Whole number of votes cast for member of the assembly was three hundred and twenty-seven votes, (327.)

Sherrod E. Roberts received one hundred and forty-seven votes, (147.)

J. W. Bryant received ninety-four votes, (94.)

R. N. Bylant received fifty-six, (56.)

T. B. Ellis received thirty votes, (30.)

TWENTY-FOURTH SENATORIAL DISTRICT.—MANATEE COUNTY.

Whole number of votes cast for Representative in Congress was three hundred and twenty-six, (326.)

W. J. Purman received seventy-seven, (77.)

John A. Henderson received two hundred and forty-nine, (249.)

Whole number of votes cast for State senator was three hundred and fourteen, (314.)

E. C. Howe received sixty-six, (66.)

F. A. Hendry received two hundred and fifty, (250.)

Whole number of votes cast for member of assembly was three hundred and nineteen, (319.)

F. B. Hagan received two hundred and thirty-five, (235.)

James B. Green received eighty-four, (84.)

MONROE COUNTY.

Whole number of votes cast for Representative in Congress was thirteen hundred and twenty-six, (1,326.)

John A. Henderson received six hundred and sixty-nine, (669.)

W. J. Purman received six hundred and fifty-seven, (657.)

Whole number of votes cast for State senator was thirteen hundred and twenty-four, (1,324.)

E. C. Howe received six hundred and ninety-three, (693.)

F. A. Hendry received six hundred and thirty, (630.)

John J. Philbrick received one, (1.)

Whole number of votes cast for member of assembly was thirteen hundred and nineteen, (1,319.)

Joseph B. Browne received six hundred and sixty-four, (664.)

Roman Stevens received six hundred and fifty-four, (654.)

John Sitcher received one, (1.)

Total number of votes for Congressman in the first congressional district, eighteen thousand three hundred and thirty-six, (18,336.)

W. J. Purman received nine thousand seven hundred and three votes, (9,703.)

John A. Henderson received eight thousand six hundred and eighteen votes, (8,618.)

William J. Purman received seven votes, (7.)

L. M. Gamble received two votes, (2.)

Meacham received two votes, (2.)

Zed Morehead received two votes, (2.)

Robert Cox received one vote, (1.)

C. H. Pearce received one vote, (1.)

W. J. Purman is hereby declared duly elected to Congress from the first congressional district, State of Florida, from the results as shown by the above.

Total number of votes for Congressman in the second congressional district, sixteen thousand seven hundred and twenty-seven votes, (16,727.)

Josiah T. Walls received eight thousand five hundred and forty-nine votes, (8,549.)

J. J. Finley received eight thousand one hundred and seventy-eight, (8,178.)

Josiah T. Walls is hereby declared duly elected to Congress from the second congressional district, State of Florida, from the result as shown by the above.

The following State senators are hereby declared duly elected from the returns shown :

2d, (second senatorial district,) A. L. McCaskill.

4th, (fourth senatorial district,) A. D. McKinnon.

6th, (sixth senatorial district,) Fred Hill.

8th, (eighth senatorial district,) John Wallace.

10th, (tenth senatorial district,) Alfred B. Osgood.

12th, (twelfth senatorial district,) J. L. F. Cottrell.

14th, (fourteenth senatorial district,) E. G. Johnson.

16th, (sixteenth senatorial district,) John W. Howell.

18th, (eighteenth senatorial district,) Joseph H. Durkee.

20th, (twentieth senatorial district,) George C. Brantley.

22d, (twenty-second senatorial district,) H. T. Lykes.

24th, (twenty-fourth senatorial district,) F. A. Hendry.

The following are hereby declared duly elected members of the assembly from the returns shown, viz:

Escambia County, Charles W. Jones, J. J. McGuire.

Walton County, G. H. Berry.

Holmes County, Malcom Gillis.

Washington County, Thomas Hannah.

Jackson County, Benjamin F. Livingston, W. J. Purman, Robert H. Dennis.

Calhoun County, James Stanfill.

Gadsden County, George Nixon, M. Martin.

Franklin County, William T. Orman.

Liberty County, Theophilus H. Jackson.

Wakulla County, John S. Ferrell.

Leon County, John E. Proctor, Z. H. Morehead, C. F. Avery, Lucien Fisher.

Jefferson County, George W. Witherspoon, Charles Harris, Augustus Tilghman.

Madison County, David Montgomery, O. J. Coleman.

Taylor County, John H. Sutton.

Hamilton County, W. J. J. Duncan.

Suwannee County, Daniel M. McAlpin.

La Fayette County, Redden B. Hill.

Alachua County, T. C. Gass, George Washington.

Columbia County, Josiah H. Armstrong, Charles Thompson.

Baker County, Francis J. Pons.
 Bradford County, Charles E. Jones.
 Nassau County, Samuel Petty.
 Duval County, Alfred Grant, Joseph E. Lee.
 Clay County, Benjamin Frisby.
 St. John's County, Thomas T. Russell.
 Putnam County, E. R. Chadwick.
 Marion County, W. J. Tucker, Samuel Small.
 Levy County, William J. Jones.
 Volusia County, B. R. Wilson.
 Orange County, John M. Bryan.
 Brevard County, Quinn Bass.
 Dade County, W. Watkin Hicks.
 Hillsborough County, H. L. Mitchell.
 Hernando County, Newton A. Carter.
 Sumter County, Hugh A. Corley.
 Polk County, Sherrod E. Roberts.
 Manatee County, F. B. Hagan.
 Monroe County, Joseph B. Browne.

Witness our hands this the tenth day of December, A. D. 1874.

C. A. COWGILL,
Chairman, Comptroller State of Florida.
 SAMUEL B. McLIN,
Secretary of State, State of Florida.
 WILLIAM ARCHER COCKE,
Attorney-General, State of Florida.

To the honorable board of State canvassers, Tallahassee, Florida :

GENTLEMEN: We, the undersigned members of the board of county canvassers for the county of Alachua, beg leave to report to your honorable board that we have completed the canvass of the votes cast in said county, at the election held on the 3d instant, for Representative to Congress and for members of the general assembly. The result of said canvass shows the aggregate number of votes polled for Representative to Congress to be one thousand and forty-four, (1,044,) of which Josiah T. Walls received six hundred and fifty-nine, (659,) and Jesse J. Finley received three hundred and eighty-five, (385.)

The whole number of votes polled for members of the general assembly was one thousand nine hundred and forty-nine, (1,949,) of which T. C. Guss received six hundred and twenty-eight, (628;) George Washington received six hundred and twenty-four, (624;) John W. Raymond received three hundred and twenty-two, (322;) Andrew D. Mayo received two hundred and thirty-four, (234;) J. B. Dell received ninety-six (96;) J. M. Sparkman received forty-five, (45.)

The above report includes the whole number of votes cast at seven (7) different precincts, namely: Precincts No. one, (1,) two, (2,) and three, (3,) at Gainesville; precincts of Waldo, Wacassassa, Cow Creek, and Liberty Hill.

We deem it necessary to state that there is reason to believe, from affidavits made by responsible persons, copies of which we hereunto attach, that glaring frauds were committed at certain precincts hereinafter mentioned, and from this fact, as well as from irregularities and gross informalities in the returns from said precincts, the county can-

vassers have deemed it their duty to omit, or to leave out of their general returns, the votes *claimed* to have been polled at the following precincts: The precincts of Archer, Newnansville, Gordon, Micanopy, Orange Creek, and Barnes's Store.

An examination of the minutes of the proceedings of the board of county canvassers, a copy of which is hereunto attached, will show the number of votes claimed to have been polled for each of the candidates for Representative to Congress and for each of the several candidates for member of the general assembly, and will also define more particularly the cause for which the votes claimed to have been polled at each of the several precincts hereinbefore mentioned were left out of the general returns. In some instances the oath of the inspectors was never subscribed to, in other instances the poll-list and check-book were not returned as the law directs, and great discrepancies existed between the poll-list and the number of votes returned; also between the poll-list and the check-book, showing an evident intention at fraud or criminal negligence on the part of those to whom the making of said returns was intrusted.

The board, in completing their protracted and responsible duties, desire to state that they have devoted much time and attention to the careful canvass of the entire vote with the view of arriving at a conscientious conclusion, and would end their report with the earnest recommendation that their returns receive your sanction and approval, which we can but believe will be the result after a careful investigation of all the facts herewith presented.

W. H. BELTON,
Clerk Circuit Court, Alachua County.
S. W. BURNETT,
A Justice of the Peace of Alachua County.

STATE OF FLORIDA,
Alachua County :

I, W. K. Cessna, county judge of county stated, and, by virtue of said office, chairman of the board of county canvassers, respectfully dissenting from the return of the majority of the board of county canvassers, do hereby make, constitute, and certify the following certificate of the county canvassers, marked "A," and certificate of explanation and report marked "B," my certificate of result of election for this, Alachua County.

Witness W. K. Cessna, county judge, and the seal of the county court, this November 30, A. D. 1874.

[SEAL COUNTY COURT.]

W. K. CESSNA,
County Judge, Alachua County.

A.

Certificate of county canvassers.

STATE OF FLORIDA,
Alachua County:

We, the undersigned, W. K. Cessna, judge of the county court of the county stated, and W. H. Belton, clerk of the circuit court of the county aforesaid, and S. W. Burnett, a justice of the peace of the county above

tioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the 6th day of November, the same being three days after the general election held in the county of Alachua and State aforesaid, on Tuesday, the 3d day of November, A. D. 1874, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, we do hereby certify, from the returns on file in the office of the clerk aforesaid, that the whole number of votes cast for Representative in Congress was one thousand and forty-four, (1,044,) as follows, to wit: Josiah T. Walls received six hundred and fifty-nine (659) votes.

Jesse J. Finley received three hundred and eighty-five (385) votes.

That the whole number of votes cast for member of the assembly was one thousand and forty-nine, (1,049,) as follows, to wit: Theodore C. Guss received six hundred and twenty-eight (628) votes; George Washington received six hundred and twenty-four (624) votes; John W. Raymond received three hundred and twenty-two (322) votes; Andrew D. Mayo received two hundred and thirty-four (234) votes; John B. Delaney received ninety-six (96) votes; James M. Sparkman received forty-five (45) votes.

Witness our hands and seals of office, at Gainesville, in the county aforesaid, this 20th day of November, A. D. 1874.

WILLIAM K. CESSNA, [SEAL.]
Judge of the County Court, Alachua County.

W. H. BELTON, [SEAL.]
Clerk Circuit Court, Alachua County.

[SEAL OF COURT.]

S. W. BURNETT,
Justice of the Peace, Alachua County.

B.

Certificate of explanation.

To the honorable State board of canvassers:

GENTLEMEN: We, the undersigned, canvassers for Alachua County find that there were thirteen precincts established, as provided by law, and opened for election purposes on the 3d day of November, 1874; that at seven of these, to wit: Nos. one, two, and three at Gainesville, and one at Liberty Hills, Cow Creek, Wacassassa, and Walcott, respectively, the election held on said 3d day of November was conducted in a quiet and reasonably regular manner, and we have accordingly certified the same to the State board of canvassers. At the six remaining precincts, Archer, Gordon, Barnes's Store, Micanopy, and Orange Creek, the returns show gross irregularities, and wear an appearance of fraud, the consequence of which we have omitted them in our certificate of election returns for this (Alachua) county. The reasons which govern our action on this point are hereinafter severally and specially submitted for the consideration of the board, and, the better to enable the board to understand the points in dispute, we make this our certificate of explanation, and report, setting forth the following order:

1st. The name of the precinct.

The result of election as shown by the precinct clerk's

3d. Reasons for not including them in our certificate of result of election.

PRECINCT OF MICANOPY.

The following is an exact copy from inspectors' certificate of result of election:

"For Representative in Congress, Josiah T. Walls received one hundred and thirty-two votes, (132;) Jesse J. Finley received eighty-three votes, (83.)

"For member of the assembly, J. W. Raymond, A. D. Mayo, received—Raymond, twenty-seven, (27;) Mayo, twenty votes, (20.) Geo. Washington, T. C. Guss, received—Washington, one hundred and twenty-seven, (127;) Guss, one hundred and twenty-six, (126.) J. H. Stokes received one vote (1) for constable." * * * *

REASONS FOR NOT INCLUDING THIS PRECINCT IN OUR CERTIFICATE OF RESULT.

1st. Clerk of election was not a "qualified elector."

2d. Persons were allowed to vote who were not citizens of this county.

3d. Sixty-three persons were allowed to vote whose names do not appear on the registration-list, and who do not appear as having been sworn.

4th. The ballot was numbered to correspond with the number of names of the persons voting, making it in a manner voting *viva voce*.

5th. The number of names on the poll-list was 214; the number of ballots and the number of votes returned, as shown by inspector's certificate of result, was 215, thus not agreeing.

PRECINCT OF ORANGE CREEK.

The following is an exact copy from inspector's certificate of result of election:

"For Representative in Congress, Jesse J. Finley received one hundred and two votes, (102;) Josiah T. Walls received seventy-one votes, (71.)

"For member of assembly, J. W. Raymond received ninety-nine votes, (99;) George Washington received seventy-one, (71;) Theodore C. Guss received seventy-one, (71;) Andrew D. Mayo received ninety-six, (96.)

REASONS FOR NOT INCLUDING THIS (ORANGE CREEK) PRECINCT IN CERTIFICATE OF RESULT.

1st. Certificate of result shows one hundred and seventy-three votes, (173;) poll-list shows one hundred and seventy-two persons voted, and ballots in box show one hundred and fifty-nine; none agreeing.

PRECINCT OF GORDON.

The following is an exact copy from inspector's certificate of result of election:

"For Representative in Congress, Josiah T. Walls received eighty-six votes, (86;) Jesse J. Finley received sixty-six (66) votes.

"For member of the assembly, John W. Raymond received seventy

two votes, (72;) Andrew D. Mayo received sixty votes, (60;) John B. Dell received seven votes, (7;) George Washington received eighty, (80;) Theodore C. Guss received eighty votes, (80.)

“ For constable, * * * * * ”

**REASONS FOR NOT INCLUDING THIS PRECINCT IN OUR CERTIFICATE OF
RESULT OF ELECTION.**

1st. Clerk of election not sworn.

2d. Poll list shows one hundred and fifty-eight persons voted, certificate of result shows that 152 votes were cast; number of ballots in box 173; none agreeing.

3d. Certificate of result not properly signed; no witnesses to signature.

PRECINCT OF BARNES'S STORE.

The following is an exact copy from the inspector's certificate of result of election :

“ For Representative in Congress, Josiah T. Walls received one hundred and twenty-five votes, (125;) Jesse J. Finley received sixty-five votes, (65.)

“ For member of assembly, George Washington received one hundred and twenty-five votes, (125;) Theodore C. Guss, one hundred and twenty-two votes, (122;) J. W. Raymond received sixty-three votes, (63;) A. D. Mayo received fifty-five votes, (55.)”

**REASONS FOR NOT INCLUDING THIS PRECINCT IN OUR CERTIFICATE OF
RESULT OF ELECTION.**

1st. Clerk of election was not a citizen of the United States.

2d. No oaths of inspectors or clerks accompanied the returns.

3d. Certificate of result, poll-list and number of ballots in the box, all disagreed.

PRECINCT OF ARCHER.

“ For Representative in Congress, Josiah T. Walls received two hundred and ninety-three votes, (293;) Jesse J. Finley received twenty-five votes, (25.)

“ For member of the assembly, George Washington received two hundred and eighty-two votes, (282;) T. C. Guss received two hundred and eighty-two votes, (282;) J. W. Raymond received sixteen votes, (16;) Andrew D. Mayo received seven votes, (7;) John B. Dell received fifteen votes, (15.)

“ For constable, * * * * * ”

**REASONS FOR NOT INCLUDING THIS PRECINCT IN OUR CERTIFICATE OF
RESULT OF ELECTION.**

1st. Two of the inspectors and one of the United States supervisors swear that the election at this precinct was illegal.

2d. The certificate of result and poll-book show a discrepancy of two.

3d. Certificate of result improperly signed; no witness to mark.

4th. Ballot-box during recess was concealed from the public.

5th. No signature to poll-list.

PRECINCT OF NEWNANSVILLE.

The following is an exact copy of inspector's certificate of result of election :

"For Representative in Congress, Josiah T. Walls and Jesse J. Finley; received for Walls two hundred and fifty-one, (251;) received for Finley thirty, (30.)

"For member of the assembly, for George Washington two hundred and forty-six; T. C. Guss, two hundred and forty-eight; J. W. Raymond, nine, (9;) John R. Dell, two, (2;) A. D. Mayo, five, (5.)

"For constable, * * * * *

REASONS FOR NOT INCLUDING THIS PRECINCT IN OUR CERTIFICATE OF RESULT.

1st. Several hours after the polls had been opened, and voting fairly commenced, one of the inspectors resigned and another person was substituted without being sworn as such inspector.

2d. No poll-book or list of voters returned.

3d. The returns were not sent to the clerk of the court and county judge by one of the inspectors or clerk of the election as the law directs, but by another person.

4th. For further irregularities and illegalities, see affidavit of inspector (so called) and supervisor of election.

RECAPITULATION.

The total number of votes cast in the thirteen precincts, legal and illegal, as shown by our certificate of result, embracing seven precincts, and this certificate of explanation, embracing six precincts, for Representative in Congress, was twenty-three hundred and seventy-three, (2,373,) divided as follows, viz: Josiah T. Walls received sixteen hundred and seventeen (1,617) votes; Jesse J. Finley received seven hundred and fifty-six (756) votes.

The total number of votes cast in the thirteen precincts, legal and illegal, as shown by our certificate of result of election, and this, our certificate of explanation and report for member of the assembly, was forty-three hundred and sixty-six votes, (4,366,) divided as follows, viz: George Washington received fifteen hundred and fifty-seven, (1,557;) Theodore C. Guss received fifteen hundred and fifty-seven, (1,557;) John W. Raymond received six hundred and eight (608) votes; Andrew D. Mayo received four hundred and seventy-seven (477) votes; John B. Dell received one hundred and eighteen (118) votes; James M. Sparkman received forty-five (45) votes; J. H. Stokes received one (1) vote; Robert Y. H. Thomas received two votes, (2;) Jackson J. Raine received one (1) vote.

Witness our hands and seals of office, this 30th day of November, A. D. 1874.

W. K. CESSNA,
County Judge.

I sign the certificate of explanation and report alone, the majority signing their own report.
November 30, 1874.

W. K. CESSNA,
County Judge, A. C.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA, Baker County :

We, the undersigned, John W. Howell, sheriff of the county stated, and J. S. Howell, clerk of the circuit court of the county aforesaid, and A. A. Allen, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the sixth (6th) day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Baker and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was three hundred and sixty-eight, (368,) as follows, viz: Joseph T. Walls received one hundred and thirty-four (134) votes; Jesse J. Finley received two hundred and thirty-four (234) votes.

That the whole number of votes cast for State senator was three hundred and sixty, (360,) as follows, viz: John W. Howell received one hundred and forty-seven, Bryant H. Gurganus received two hundred and thirteen (213.)

That the whole number of votes cast for member of the assembly was three hundred and sixty-three, (363,) as follows, viz: Stephen Roberts received one hundred and thirty-three, (133,) Samuel N. Williams received six (6) votes, Francis J. Pons received two hundred and twenty-four.

That the votes cast for constables were as follows, viz :

*	*	*	received	*	*	*	*
*	*	*	received	*	*	*	*
*	*	*	received	*	*	*	*

Witness our hand and seals of office at Sanderson, in the county aforesaid, this sixth (6th) day of November, in the year of our Lord one thousand eight hundred and seventy-four.

JOHN W. HOWELL, [SEAL.]

Sheriff of the County Court of Baker County.

J. S. HOWELL,

Clerk of the Circuit and County Courts of Baker County.

A. A. ALLEN, [SEAL.]

Justice of the Peace of Baker County—

N. B.—The canvassers should meet at the office of the clerk on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, in words and figures written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA, *Brevard County* :

We, the undersigned, _____ of the county stated, and A. A. Stewart, clerk of the circuit court of the county aforesaid, and John Houston, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the 19th day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Brevard and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was eighty-eight, (88,) as follows, viz: Jesse J. Finley received eighty-three, (83;) J. T. Walls received five, (5.)

That the whole number of votes cast for State senator was				*	*
*	*	*	received	*	*
*	*	*	received	*	*

Witness our hands and seals of office at Eau Gallie, in the county aforesaid, this 19th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

Judge of the County Court of _____ County.

A. A. STEWART,

Clerk of the Circuit and County Courts of Brevard County.

JOHN HOUSTON,

Justice of the Peace of Brevard County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, in words and figures written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA,
Bradford County:

We, the undersigned, Wm. W. Wills, judge of the county court of the county stated, and Benjamin E. Tucker, clerk of the circuit court of the county aforesaid, and Thomas N. Milton, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the sixth day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Bradford and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was six hundred and ninety, (690,) as follows, viz:

Jesse J. Finley received five hundred and nine, (509.)

Josiah T. Walls received one hundred and eighty-one, (181.)

That the whole number of votes cast for State Senator was * * *, as follows, viz: * * * received * * * * *, received * * * *

That the whole number of votes cast for member of the assembly was * * *, as follows, viz: * * *, received * * * * *, received * * * *

Witness our hands and seals of office, at Lake Butler, in county aforesaid, this sixth day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL COURT.]

WM. W. WILLS,

Judge of the County Court of Bradford County.

BENJAMIN E. TUCKER,

Clerk of the Circuit and County Courts of Bradford County.

THOMAS N. MILTON,

Justice of the Peace of Bradford County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, in words and figures written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted by mail to the secretary of state, and the other to the governor of the state.

Certificate of county canvass.

STATE OF FLORIDA,
Columbia County :

We, the undersigned, Alonzo A. Hoyte, sheriff of Columbia County, in the absence of P. A. Halt, judge of the county court of the county stated, and K. S. Waldron, clerk of the circuit court of the county aforesaid, they being a majority of the board of county canvassers, in and for the county stated, did meet at the office of the clerk of the circuit court of the county aforesaid, for the purpose of organizing the board of canvassers, on the 6th day of November, A. D. 1874, the same being the third day after the general election held in the county of Columbia and State aforesaid, on Tuesday, the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, and, upon consultation, agreed to take to their assistance Jacob C. Miller, a justice of the peace in and for said county. Thereupon the board adjourned to meet on Monday, the 9th day of November, A. D. 1874, at 10 o'clock a. m. That thereafter, to wit, on the 9th day of November, A. D. 1874, at 10 o'clock a. m., the board met pursuant to adjournment, the said Jacob C. Miller, justice of the peace, being present, and after some consultation the board again adjourned to meet on Tuesday, the 10th day of November, A. D. 1874, at 10 o'clock a. m. That thereafter, to wit, on the 10th day of November, A. D. 1874, pursuant to adjournment, the board met, and adjourned to meet on Wednesday, the 11th day of November, A. D. 1874, at 10 o'clock, a. m. That thereafter, to wit, on the 11th day of November, A. D. 1874, the board met pursuant to adjournment, and upon the refusal of the said K. S. Waldron, clerk of the circuit court, to act and proceed with the county canvass, the remaining members of the board, viz, Alonzo A. Hoyte, sheriff aforesaid, and Jacob C. Miller, justice of the peace aforesaid, did take to their assistance one George G. Keene, a justice of the peace of the county above mentioned, who, constituting the board of county canvassers in and for the county stated, did proceed to canvass the returns on file in the office of the county judge of Columbia County, and we do hereby certify, from said returns on file in the office of the county judge aforesaid, that the whole number of votes cast for Representative in Congress was thirteen hundred and ninety (1,390) votes, as follows, to wit :

Josiah T. Walls received seven hundred and fourteen (714) votes.

Jesse J. Finley received six hundred and seventy six (676) votes.

That the whole number of votes cast for State senator * * *

Witness our hands and seals at Lake City, in the county aforesaid, this 11th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

ALONZO A. HOYTE, [SEAL.]
Sheriff of Columbia County.

GEORGE G. KEEN, [SEAL.]
Justice of the Peace, Columbia County.

J. C. MILLER. [SEAL.]
Justice of the Peace, Columbia County.

Certificate of the county canvassers.—See section 24, act of August 6, 1868.

STATE OF FLORIDA, Clay County :

We, the undersigned, H. Bradford, sheriff of the county stated, and

O. Budington, clerk of the circuit court of the county aforesaid, and J. W. Porter, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid on the 5th day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Clay and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto approved February 19, 1870.

We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was three hundred and two, (302,) as follows, viz: Jesse J. Finley received two hundred votes, (200;) Josiah T. Walls received one hundred and two votes;

That the whole number of votes cast for State senator was: * * * as follows, viz:
 * * * * * received *
 * * * * * received *

That the whole number of votes cast for member of the assembly was: * * * as follows, viz:
 * * * * * received *
 * * * * * received *

That the votes cast for constables were as follows, viz: * * *
 * * * * * received *
 * * * * * received *
 * * * * * received *

Witness our hands and seals of office, at Green Cove Spring, in the county aforesaid, this 5th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

H. BRADFORD,
Sheriff of Clay County.

O. BUDINGTON,
Clerk of the Circuit and County Courts of Clay County.

J. W. PORTER,
Justice of the Peace of Clay County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, in words and figures written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

FINLEY VS. WALLS.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, by mail, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA,
Dural County:

We, the undersigned, William A. McLean, judge of the county court of the county stated, and Oscar Hart, clerk of the circuit court of the county aforesaid, and William L. Coan, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the 5th day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Dural, and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was twenty-two hundred and eighty-five, (2,285,) as follows, viz:

Josiah T. Walls received thirteen hundred and seventy-five, (1,375 ;)
Jesse J. Finley received nine hundred and ten, (910.)

That the whole number of votes cast for State senator was * * * as follows, viz :
* * * * * received * * *
* * * * * received * * *

That the whole number of votes cast for member of the assembly was * * * as follows, viz :
* * * * * received * * *
* * * * * received * * *

That the votes cast for constables were as follows, viz :
* * * * * received * * *
* * * * * received * * *
* * * * * received * * *

Witness our hand and seals of office, at Jacksonville, in the county aforesaid, this fifth day of November, in the year of our Lord one thousand eight hundred and seventy-four.

WILLIAM A. McLEAN,
Judge of the County Court of Dural County.
OSCAR HART,
Clerk of the Circuit and County Courts of Dural County.
WILLIAM L. COAN,
Justice of the Peace of Dural County.

B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes. In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in and figures written at full length*, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for office.

The clerk of the circuit court should record the certificate in the manner required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA,

Dade County :

We, the undersigned, W. H. Hunt, judge of the county court of the county stated, and W. H. Gleason, clerk of the circuit court of the county aforesaid, and W. Watkin Hicks, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the 9th day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Dade, and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 29, 1872. We do hereby certify the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was thirty-five, (35,) as follows, viz : J. J. Finley received twenty-three, (23,) Josiah T. Walls received twelve, (12.)

That the whole number of votes cast for State senator was thirty-five, (35,) as follows, viz : J. J. Finley received twenty-three, (23,) Josiah T. Walls received twelve, (12.)

That the whole number of votes cast for member of the assembly was thirty-five, (35,) as follows, viz : J. J. Finley received twenty-three, (23,) Josiah T. Walls received twelve, (12.)

That the votes cast for constables were as follows, viz : J. J. Finley received twenty-three, (23,) Josiah T. Walls received twelve, (12.)

Witness our hands and seals of office, at Biscayon, in the county of Dade, said, this 9th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

W. H. HUNT,

Judge of the County Court of Dade County

W. H. GLEASON,

Clerk of the Circuit and County Courts of Dade County

W. WATKIN HICKS,

Justice of the Peace of Dade County

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, in words and figures written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, by mail, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA, Hamilton County:

We, the undersigned, Henry J. Stewart, judge of the county court of the county stated, and Benjamin F. Jackson, clerk of the circuit court of the county aforesaid, and Samuel McInnis, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the 4th day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Hamilton and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was seven hundred and eighty-one (781) votes, as follows, viz: General Jesse J. Finley received five hundred and fifty (550) votes; General Josiah T. Walls received two hundred and thirty-one (231) votes.

That the whole number of votes cast for State senator was	*	*
as follows, viz:		
received	*	*
received	*	*

That the whole number of votes cast for member of the assembly was	*	*
as follows, viz:		
received	*	*
received	*	*

That the votes cast for constables were as follows, viz:	*	*
received	*	*
received	*	*
received	*	*

Witness our hands and seals of office, at Jasper, in the county aforesaid, this 4th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL COURT.]

HENRY J. STEWART,
Judge of the County Court of Hamilton County.

BENJAMIN F. JACKSON,
Clerk of the Circuit and County Courts of Hamilton County.

SAMUEL MCINNIS [SEAL.]
Justice of the Peace of Hamilton County.

N. B.—The canvassers should meet at the office of the clerk, before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the clerk or judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in and figures written at full length*, the whole number of votes given to each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for each office.

The clerk of the circuit court should record the certificate in the manner required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Recorded in my office November 4, 1874.

BENJAMIN F. JACKSON,
Clerk Circuit Court and County Court, Hamilton County.

Certificate of the county canvassers.—(See section 24, act of August 6,

STATE OF FLORIDA, Madison County :

We, the undersigned, Benjamin F. Tidwell, judge of the county of the county stated, and Frederick M. Scott, clerk of the circuit court of the county aforesaid, and Morris M. Samson, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we are in the office of the clerk of the circuit court of the county aforesaid on the seventh day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Madison and State aforesaid, on the seventh day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868 and an act amendatory thereto, approved February 27, 1872. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was two thousand one hundred and forty-seven (2,147), as follows: Josiah T. Walls received thirteen hundred and eight (1,308) votes, and Jesse J. Finley received eight hundred and thirty-nine (839) votes.

That the whole number of votes cast for State senator was						*	as follows
*	*	*	*	*	*	*	
*	*	*	*	*	*	received	*
*	*	*	*	*	*	received	*

That the whole number of votes cast for member of the assembly was						*	as follows
*	*	*	*	*	*	*	
*	*	*	*	*	*	received	*
*	*	*	*	*	*	received	*

That the votes cast for constables were as follows, viz:							
*	*	*	*	*	*	received	*
*	*	*	*	*	*	received	*
*	*	*	*	*	*	received	*

Witness our hand and seals of office, at Madison, in the county of Madison, this 4th day of November, 1874.

said, this 7th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL COURT.]

B. F. TIDWELL,

Judge of the County Court of Madison County.

F. M. SCOTT,

Clerk of the Circuit and County Courts of Madison County.

M. M. SAMPSON, [SEAL.]

Justice of the Peace of Madison County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in words and figures written at full length*, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA, Marion County:

We, the undersigned, William R. Hillyer, judge of the county court of the county stated, and William H. LeCain, clerk of the circuit court of the county aforesaid, and W. A. Wilkinson, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the fourth day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Marion and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was sixteen hundred and eighty, (1,680,) as follows, viz: Josiah T. Walls received ten hundred and seventy-two, (1,072;) Jesse J. Finley received six hundred and eighty, (680.)

That the whole number of votes cast for State senator was * * * as follows, viz: * * * received * * * ; * * * received * *

That the whole number of votes cast for member of the assembly was * * * , as follows, viz: * * * received * * * ; * * * received * *

That the votes cast for constables were as follows, viz: * *

gived * * * ; * * * received * * *
 * * * received * * *

Witness our hands and seals of office, at Ocala, in the county aforesaid, this fourth day of November, in the year of our Lord one thousand eight hundred and seventy-four.

WILLIAM R. HILLYER,
Justice of the County Court of Marion County.
 W. H. LECAIN,
Clerk of the Circuit and County Courts of Marion County.
 W. A. WILKINSON,
Justice of the Peace of Marion County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in word and figures written at full length*, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 1868)

STATE OF FLORIDA, *Nassau County:*

We, the undersigned, Charles V. Hillyer, judge of the county court of the county stated, and Wm. M. Maxwell, clerk of the circuit court of the county aforesaid, and Turner Duling, esq., a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we at the office of the clerk of the circuit court of the county aforesaid on the seventh day of November, A. D. one thousand eight hundred seventy-four, and publicly canvassed the votes given at a general election held in the county of Nassau, and State aforesaid, on the third of November, in the year of our Lord one thousand eight hundred seventy-four, the same being the Tuesday next succeeding the Monday in said month, under and by virtue of an act entitled "to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, of February 27, 1872. We do hereby certify, from the returns of the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was twelve hundred, (1,200,) as follows, viz: Josiah T. Walls six hundred and sixty-five, (665;) Jesse J. Finley received five and thirty-five, (535.)

That the whole number of votes cast for State senator was * * * as follows, viz: * * * received * * *
 * * * ; * * *
 number of votes cast for member of the assembly

* * * , as follows, viz: * * * received
 * * * ; * * * received * * *
 That the votes cast for constables were as follows, viz: * * *
 * * * ; * * * received * * *
 * * * * received * * * ; * * *
 received * * *

Witness our hands and seals of office, at Fernandina, in the county aforesaid, this seventh day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL OF COURT.]

CHARLES V. HILLYER,

Judge of the County Court of Nassau County.

W. M. MAXWELL,

Clerk of the Circuit and County Courts of Nassau County.

TURNER DULING, [SEAL.]

Justice of the Peace of Nassau County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in words and figures written at full length*, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA,

Savannah County:

We, the undersigned, M. A. Clouts, judge of the county court of the county stated, and M. L. Stebbins, clerk of the circuit court of the county aforesaid, and W. S. Hamby, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the seventh day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Savannah, and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1858, and an act amendatory thereto, approved February 27th, 1872. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was eight hundred and thirty, (830,) as follows, viz: Jesse J. Finley received four hundred and thirty-seven (437) votes; Josiah T. Walls received three hundred and ninety-three (393) votes.

That the votes cast for constables were as follows, viz :
 * * * * * received *
 * * * * * received *
 * * * * * received *

Witness our hands and seals of office, at Live Oak, in the county aforesaid, this seventh day of November in the year of our Lord one thousand eight hundred and seventy-four.

M. A. CLOUTS,

Judge of the County Court of Suwannee County

M. L. STEBBINS,

Clerk of the Circuit and County Courts of Suwannee County

W. S. HAMBY, [SEAL.]

Justice of the Peace of Suwannee County

N. B.—The canvassers should meet at the office of the clerk, before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the clerk, judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, in words and figures written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for each office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, by mail, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 1868.)

STATE OF FLORIDA,

Orange County:

We, the undersigned, Arthur Spur, sheriff of the county of the county aforesaid, and James P. Hughes, clerk of the circuit court of the county aforesaid, Edgar A. Richards, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the sixth day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Orange, and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the said day being the Tuesday next succeeding the first Monday in said month of November, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 1868, and an act amendatory thereto approved February 19, 1870. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress

was six hundred and fifty-five (655) votes, as follows, viz : Jesse J. Finley received six hundred and four (604) votes ; Josiah T. Walls received fifty-one (51) votes.

That the whole number of votes cast for State senator was						*	*
*	*	*	*	*	as follows, viz :	*	*
*	*	*	*	*	received	*	*
*	*	*	*	*	received	*	*
That the whole number of votes cast for member of the assembly was						*	*
*	*	*	*	*	as follows, viz :	*	*
*	*	*	*	*	received	*	*
*	*	*	*	*	received	*	*
That the votes cast for constables were as follows, viz :						*	*
*	*	*	*	*	received	*	*
*	*	*	*	*	received	*	*
*	*	*	*	*	received	*	*

Witness our hands and seals of office, at Orlando, in the county aforesaid, this sixth day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL COURT.]

ARTHUR SPUR,
Sheriff of the County Court of Orange County.
 JAMES P. HUGHES,
Clerk of the Circuit and County Courts of Orange County.
 E. A. RICHARDS,
Justice of the Peace of Orange County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in words and figures written at full length*, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA, Putnam County :

We, the undersigned, James Burt, judge of the county court of the county stated, and Wesley C. Snow, clerk of the circuit court of the county aforesaid, and Edward S. Francis, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the ninth day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of Putnam and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four,

the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was nine hundred and forty-two, (942,) as follows, viz: Jesse J. Finley received four hundred and ninety-one (491) votes; Josiah T. Walls received four hundred and forty-nine (449) votes; Joseph F. Walls received two (2) votes.

That the whole number of votes cast for State senator was * * * * * as follows, viz: * * * * * received

That the whole number of votes cast for member of the assembly was * * * * * as follows, viz: * * * * * received * * * * * received

That the votes cast for constables were as follows, viz: * * * * * received * * * * * received * * * * * received

Witness our hands and seals of office, at Pilatka, in the county aforesaid, this 9th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL COURT.] JAMES BURT,
Judge of the County Court of Putnam County.
WESLEY C. SNOW,
Clerk of the Circuit and County Courts of Putnam County.
EDWARD S. FRANCIS, [SEAL.]
Justice of the Peace of Putnam County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.
In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.
The certificate must be signed in duplicate, and must contain, in words and figures written at full length, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.
The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.
One of the certificates shall be immediately transmitted, by mail, to the secretary of state, and the other to the governor of the State.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868)
STATE OF FLORIDA, Saint John's County :
We, the undersigned, John B. Stickney, judge of the county court of the county stated, and Bartolo F. Oliveros, ad interim clerk of the circuit court of the county aforesaid, and H. M. Emmerly, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office

of the clerk of the circuit court of the county aforesaid, on the fifth day of November, A. D. one thousand eight hundred and seventy-four, and publicly canvassed the votes given at a general election held in the county of St. John's, and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, the same being the Tuesday next succeeding the first Monday in said month, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872. We do hereby certify, from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was six hundred and forty-seven, (647,) as follows, viz: Jesse J. Finley received four hundred and thirty-nine votes, (439;) Josiah T. Walls received two hundred and eight votes, (208.)

That the whole number of votes cast for State senator was *
 * * * * * as follows, viz:
 * * * * * received * *
 * * * * * received * *

That the whole number of votes cast for member of the assembly was six hundred and forty-four, (644,) as follows, viz: Thomas T. Russell received four hundred and twenty (420) votes; Thomas I. Russell received sixteen (16) votes; Francis E. Nitsell received two hundred and six (206) votes; and F. E. Nitsell received two votes, (2.)

That the votes cast for constables were as follows, viz: Solom Ponce received four hundred and twenty-nine (429) votes; James Ostian received four hundred and twenty-nine (429) votes; F. Lulipstine received four hundred and twenty-three (423) votes; Fred. L. Klipstin received six (6) votes; Domingo M. Papy received two hundred and five (205) votes; Alfred Orange received two hundred (200) votes; Philip Green received two hundred votes, (200.)

Witness our hands and seals of office, at Saint Augustine, in the county aforesaid, this sixth day of November, in the year of our Lord one thousand eight hundred and seventy-four.

JOHN B. STICKNEY,

Judge of the County Court of St. John's County.

BARTOLO F. OLIVEROS,

Clerk of the Circuit and County Courts of St. John's County, ad interim.

H. M. EMMERLY,

Justice of the Peace of St John's County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in words and figures written at full length*, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

Statement by canvassers.

The following information appears in the returns from the precincts in the county :

A. C. Rogers, at Moccasin Branch, does not show to have been sworn. George Caler, inspector at Oceola precinct, does not show to have been sworn. H. M. Emmerly, inspector at Sampson, does not show to have been sworn. I. J. Harvey, inspector at Haw Creek, does not show to have been sworn.

Saint Augustine precinct, the certificate of the clerk written was not signed by him, and did not have the seal of the court. That the vote in said five precincts have been included and the foregoing certificate of the county canvassers; that we throw out these precincts, but concluded to present the above to the State canvassers.

JOHN B. STICKNEY

Coun

BARTOLO F. OLIVER

Clerk (

H. M. EMMERLY,

Justice of the Peace, Saint John's.

Certificate of the county canvassers.—(See section 24, act of August 6, 1868.)

STATE OF FLORIDA, Volusia County :

We, the undersigned, Charles B. Bucknor, judge of the circuit court of the county stated, and John W. Dickens, clerk of the circuit court of the county aforesaid, and H. M. Emmerly, a justice of the peace of the county mentioned, constituting the board of county canvassers in said county stated, do hereby certify that we met at the office of the circuit court of the county aforesaid, on the 9th day of August, A. D. one thousand eight hundred and seventy-four, and passed the votes given at a general election held in the county aforesaid, and State aforesaid, on the third day of November, in the year one thousand eight hundred and seventy-four, the same Tuesday next succeeding the first Monday in said month, under virtue of an act entitled "An act to provide for the registration of voters and the holding of elections," approved August 6, 1868, and an amendatory thereto, approved February 19, 1870. We do hereby certify, from the returns on file in the office of the clerk aforesaid,

That the whole number of votes cast for Representative in Congress was three hundred and sixty-four, (364,) as follows, viz: Jesse H. Hays received two hundred and eighty-four, (284;) Josiah T. Wall received (80) votes.

That the whole number of votes cast for State senator was as follows, viz: * * * received * * * ; * * *

That the whole number of votes cast for member of the assembly * * * as follows, viz: * * * received * * * ; * * * received * * * .

That the votes cast for constables were as follows, viz: * * * received * * * ; * * * received * * * ; * * * received * * * .

Witness our hands and seals of office, at Enterprise, in

a foresaid, this 9th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

[SEAL COURT.]

C. B. BUCKNOR,
Judge of the County Court of Volusia County.
JOHN W. DICKENS,
Clerk of the Circuit and County Courts of Volusia County.
SAMUEL J. COOK,
Justice of the Peace of Volusia County.

N. B.—The canvassers should meet at the office of the clerk, on or before the sixth day after the election, to canvass the votes.

In case of the absence, sickness, or other disability of the county judge or clerk, the sheriff shall act in his place.

The certificate must be signed in duplicate, and must contain, *in words and figures written at full length*, the whole number of votes given for each office, the names of the persons for whom such votes were given for such office, and the number of votes given to each person for such office.

The clerk of the circuit court should record the certificate in the book required by law to be kept for that purpose.

One of the certificates shall be immediately transmitted, *by mail*, to the secretary of state, and the other to the governor of the State.

STATE OF FLORIDA,

Office Secretary of State :

I, Samuel B. McLin, secretary of state of the State of Florida, do certify that the foregoing record, contained on one printed sheet or slip cut from a newspaper, and twenty-six sheets of manuscript and printed blanks, is a correct copy of the canvass made by the board of State canvassers for the State, on the 4th day of December, A. D. 1874, now of record in this office, and also correct copies and extracts from the county returns now on file in the office of secretary of state.

In witness whereof I have hereunto set my hand and the great seal of the State of Florida this the 18th day of August, A. D. 1875.

[SEAL.]

SAM'L B. McLIN,
Secretary of State.

Notice for taking testimony in Alachua County.

To the honorable Josiah T. Walls, returned member to the Forty-fourth Congress of the United States of America, from the second district of the State of Florida:

SIR: You are hereby notified that, on the 19th day of August, A. D. 1875, and from day to day thereafter as may be necessary, at Gainesville, in the county of Alachua, and before R. F. Taylor, esq., a notary public, residing in said city and county, within the second congressional district of the State of Florida, I will proceed to take the testimony of the following witnesses in my behalf, to be used in evidence in my contest and denial of your right to represent the said second congressional district of the State of Florida, in the Forty-fourth Congress, to wit: W. H. Belton, M. E. Papy, Peter G. Snowden, E. Carrington, F. Sanchez, James M. Hall, George Helvinston, Green R. Moore, W. H. Geiger, Samuel P. McDonnell, P. B. H. Dudley, Henry C. Parker, J. Samuel

Dupreis, and William Richardson, all residing in Alachua County. At which time and place you may, if you choose, attend and cross-examine said witnesses.

Jacksonville, Fla., August 6, 1875.

JESSE J. FINLEY, *Contestant*.

I acknowledge due service of the within by copy, and waive any further service.

J. T. WALLS.

By his attorney, AHA A. KNIGHT.

GAINSVILLE, August 19, 1875.

ALACHUA COUNTY,
State of Florida:

Testimony taken before R. F. Taylor, a notary public, at Gainesville— within the county of Alachua, and within the second congressional district of the State of Florida, in the matter wherein Jesse J. Finley— contests the seat of Josiah T. Walls, in the Forty-fourth Congress of the United States, from the said second congressional district of the State of Florida, in pursuance of notice, dated August the 6th, A. D. 1875, and served that day on the contestee, through his attorney, A. A. Knight, the said contestant appearing by his attorney, S. Y. Finley, and the said contestee by A. A. Knight, his attorney, this the 19th day of August, A. D. 1875.

(A. A. Knight, attorney for Josiah T. Walls, here asked to have note of his objections to the taking of any testimony in this cause whatever.)

Deposition of William H. Geiger.

WILLIAM H. GEIGER, of Archer, in Alachua County, being duly sworn, deposes and says:

I was at Archer station, in Alachua County, in the second congressional district of the State of Florida, on the 3d day of November, A. D. 1874, and acted there at that precinct as an inspector of the election held there on that day.

Question. Did you take the oath prescribed by law to be administered to inspectors before commencing the election?

(Objected to by contestee's counsel.)

Answer. I did not take any oath.

Q. What time were the polls opened there on that day, at that precinct?

(Objected to by contestee's counsel.)

A. About thirty minutes past nine o'clock in the morning on that day there were three inspectors, I think; Green R. Moore, myself, and I think Henry Washington, were the inspectors. Henry Washington was a colored man.

Q. Were there or were there not a good many persons who voted there on that day whose names could not be found by you on the registration-lists?

(Objected to by contestee's counsel.)

A. There was. I think I objected to about thirty-five voters voting

at that precinct, on account of their names not being on the registration-lists, and about seventy in all, including the thirty-five mentioned already, on account of not being legal voters. All these persons referred to were allowed to vote, and did vote.

Q. Why were they allowed to vote?

(Objected to by contestee's counsel.)

A. They were allowed to vote because I, or my opinion, was in the minority. Mr. Saunders insisted that it was right that they should vote, and the two other inspectors agreed with him, and hence they were allowed to vote, to which I protested, because I thought they were illegal voters. I think this Mr. Saunders was named W. U. Saunders.

Q. What capacity did W. U. Saunders occupy there on that day?

(Objected to by contestee's counsel.)

A. He claimed to act there as United States deputy marshal; he wore some badge or insignia of office, but I cannot now describe what this badge was. He seemed to take great interest in the election there on that day, and exercised a good deal of authority over the polls.

Q. Did W. U. Saunders exercise any influence there that day over the colored people and voters?

(Objected to by contestee's counsel.)

A. I do not know and cannot tell whether he did or not, as I was confined in the house.

Q. Were the efforts and exertions of W. U. Saunders directed there that day in aid of the conservative ticket, or in aid of the republican ticket?

(Objected to by contestee's counsel.)

A. From what I observed on that day, and from his actions and from what he said to me, I have thought, and the impression was created on my mind, that his exertions were in favor of the republican ticket.

Q. Were any votes polled there on that day by persons under the age of twenty-one years?

(Objected to by contestee's counsel.)

A. There were a number of voters challenged there that day on the ground of want of age in the persons offering them, but I cannot tell how many, and some of them voted, after taking some oath, the form of which I do not now remember, but it was an oath that was attached to the registration-list that we used at that precinct.

Q. Did W. U. Saunders, spoken of already, exercise or assume any authority over the counting of the vote at that precinct?

(Objected to by contestee's counsel.)

A. According to my recollection at this time, I cannot say whether his language was authoritative or suggestive. He assisted in counting the votes and in sealing up the poll-box, and this was done without any request from me; and, I think, he drew up the forms for the election returns; and, I think, all the other papers connected with the election at that precinct, at least all papers and forms drawn up there.

Q. Do you know how many votes were polled on that day at that precinct?

(Objected to by contestee's counsel.)

A. I don't remember exactly, but I think about three hundred. Jesse J. Finley was conservative candidate and Josiah T. Walls was republican candidate voted for there on that day for Representative in Congress for the second congressional district of Florida.

Q. What was the number of votes cast for each of the above-mentioned candidates at that precinct?

(Objected to by contestee's counsel.)

A. I cannot exactly state, but I think Jesse J. Finley got twenty-five votes and Josiah T. Walls got two hundred and seventy-five votes.

Q. Did the number of votes in the ballot-box and the names on your clerk's lists correspond?

(Objected to by contestee's counsel.)

A. When the votes cast at that precinct were counted out, the number of votes in the ballot-box did not correspond with the number of names on the lists kept by the clerk of the election. When we found out this discrepancy, we did nothing with it at all, but sent the whole thing up just as it was. I do not remember whether there were a greater number of votes in the ballot-box than there were names on the clerk's lists, or whether the names on the clerk's lists exceeded the votes in the ballot-box, but I think there were a larger number of names on the clerk's lists than there were votes in the ballot-box; and we did not put the votes back into the ballot-box and draw therefrom a sufficient number of votes to cure the excess. There was an adjournment for dinner, and during this adjournment the ballot-box was shut up in the house where the election was held, with all the doors and windows shut.

Q. During this adjournment was the ballot-box concealed from the public view?—A. It was.

Q. From all you observed there on that day, would you say that that election was conducted fairly and legally, or unfairly and illegally?

(Objected to by contestee's counsel.)

A. I would say that it was conducted unfairly and illegally.

Q. At what time was that poll closed in the evening?

(Objected to by contestee's counsel.)

A. It was closed after sundown, but it was not long enough after sunset to be dark enough to need lights.

Cross-examination by contestee's counsel:

Q. You have stated, from your observation, that the election at Archer precinct was conducted unfairly and illegally. Do you base that conclusion from the statements you have made in this examination, or on facts outside of it?—A. On the statements that I have made in this examination.

Q. How do you know that it was about 9.30 o'clock when that poll opened?—A. By examination of the watch of Mr. Green R. Moore, who was one of the inspectors of the election. The oath required to be taken by us as inspectors of that election, was not omitted to be taken by me intentionally. Not having been an inspector of an election before, I did not know how to proceed. A little while after the polls were opened, a form of an oath was handed to me that is usually administered to inspectors, which form I signed, but the oath itself nor any other oath was ever administered to me by any one. Before I signed this oath, I do not remember whether any votes were cast or not. I voted on that day for J. J. Finley.

Q. Did you object on that day to Mr. W. U. Saunders assisting in counting the vote and preparing the forms of the returns?—A. I did not object to Mr. Saunders assisting in counting the vote, because I looked upon him as having authority to do all he did do, and I asked him several times during the day not to lead me into doing anything but what was right.

W. H. GEIGER.

Sworn to and subscribed before me this 19th day of August, A. D. 1875.

R. F. TAYLOR,
Notary Public, Alachua County, Florida.

Redirect examination of W. H. Geiger:

Q. Do you know whether any conservative voters left there on that day because they were not allowed to vote?

(Objected to by contestee's counsel.)

A. Several gentlemen have told me that they left the polls on that day because they could not get to the polls to vote.

Q. During that day did you, or did you not, ask W. U. Saunders to so arrange the polls that conservative voters could get a chance to vote?

(Objected to by contestee's counsel.)

A. I asked W. U. Saunders once during the day to arrange the column of colored voters so that a minister could come up to the polls to vote, which he was kind enough to do. This minister was a supporter of J. J. Finley. The colored voters were arranged before the polls in such a column, that conservative voters could not well get up to the polls to vote without endangering (as was generally thought by the white people) a collision and serious disturbance of the peace. That is my impression of the state of affairs.

Cross-examined:

Q. How many gentlemen told you they had to leave the polls because they were not allowed to vote, and what were their names?—

A. George Blich and N. H. Hane were two who told me, and these are all I can remember having told me at this time. Eight or ten white voters left Archer that day because they could not get to the polls there to vote. Some of these, but not all of them, have told me since, that they voted on that day at other polls, not being able to vote at Archer. Had these men waited, they could have voted at about sunset, and after sunset, without difficulty; and most of the whites who did vote, voted at that time. The colored voters frequently stated during the day that they could all vote if they would fall into line, and then vote when their turn came around; and my impression is that, to do this, the white voters would have been obliged to fall in at the rear of the line. I suppose there were two hundred colored voters in the column in front of the poll. I do not know how this column was arranged—whether it was arranged and formed by some one as a leader, or whether they arranged themselves into column without any leadership.

W. H. GEIGER.

Sworn to and subscribed before me this 19th day of August, A. D. 1875.

R. F. TAYLOR,
Notary Public, Alachua County, Florida.

Deposition of Green R. Moore.

GREEN R. MOORE, of Archer, in Alachua County, being duly sworn:

I acted as an inspector at the Archer precinct in Alachua County, Florida, at the last election held on November 3, A. D. 1874.

Question. Were the clerk of that election and the inspectors of that election sworn as is required by law before receiving any votes there?

(Objected to by contestee's counsel.)

Answer. They were not. There was a paper there that we all signed before we commenced taking in votes, but I did not know, and do not know now what the paper was or what its contents were. W. U. Saun-

ders, or Allen M. Jones, I don't remember which, presented this paper for our signatures; both of them were, I supposed, supporters of the republican candidate; they were colored men.

Q. Did W. U. Saunders assume any authority over the election at that precinct on that day?

(Objected to by contestee's counsel.)

A. Yes; he seemed to have a great deal to do with the election. From what I saw on that day, W. U. Saunders acted in favor of the republican candidate.

Q. Did he have any badge of office, or of a deputy marshal?—A. He had on a badge, but I don't remember what sort of a badge it was.

Q. Did that badge indicate any authority?

(Objected to by contestee's counsel.)

A. I thought it did at the time, from what he told me. He said he had authority there.

Q. Did you think that W. U. Saunders had authority to direct and control the election?

(Objected to by contestee's counsel.)

A. I did.

A. Good many votes were challenged there on that day by Mr. Geiger, one of the inspectors, because their names were not on the registration-lists. I do not know whether their names were on the registration-lists or not, as Mr. Geiger had the lists. They were sworn and voted. I think that the oath they took is the one that is contained in section sixteen (16) of the acts of the Florida legislature of the year A. D. 1868, in relation to the registration of voters.

A. The ballot-box at that precinct during the hour of adjournment for dinner was closed up in a house, concealed from the public view. No one was in the house but myself and Henry Washington, one of the inspectors, we being left in charge of it while Mr. Geiger was at dinner. There was no key to the box, but it was nailed up, with a slit in the top for the insertion of the ballots. I was absent for a few moments when they commenced counting the votes, and when I got back the clerk was counting the votes. The votes were counted over three or four times. I think W. U. Saunders counted them once, after the clerk counted them. The number of votes in the ballot-box and the names on the clerk's lists did not correspond after the polls there were closed and the ballots were counted. There were three or four more names on the clerk's lists than there were polls or ballots in the ballot-box. Some conservative voters left that precinct without voting, but I don't know what for. There was a paling fixed up at the poll and a place fixed for the voters to come up to the poll, and an opening for them to pass out after voting, which each one did after voting, leaving room for the next man behind him to come up and vote. The line of colored voters was so arranged in front of the poll that the conservative voters could not get into the polls to vote, without squeezing in between the colored voters, or going to the extreme rear end of the column of colored voters.

Cross-examination by contestee's counsel:

Q. I do not remember whether I had a watch on that day or not, and do not remember whether the poll was opened by my watch or not. I do not know now what hour the poll was opened. The ballot-box was not tampered with by any one during the hour of adjournment for dinner, while I was in charge of it on that day. I voted for the conservative candidate for Congress on that day. There was some

disturbance and loud talking around the poll there on that day, but no fighting. By "disturbance," I mean to say there were loud arguments and talking around the poll. All the voters who were challenged there did not vote. The column of colored voters that I spoke of above did not all stand inside of the palings I mentioned, but the paling was right in front of the poll, with a gate at each end of it, one for the voters to come in and another for them to go out at after voting. This inclosure could hold five or six men at a time, and as fast as one would vote another would shove in behind him, but the gate could not admit more than two at one time; that is, not more than two could come in at the gate together. Had the conservative voters at that precinct waited they could have voted between sunset and dark.

GREEN R. MOORE.*

Sworn to and subscribed before me this 19th day of August, A. D. 1875.

R. F. TAYLOR,
Notary Public, Alachua County, Florida.

Deposition of J. Samuel Dupuis.

J. SAMUEL DUPUIS, of Newnansville, Alachua County, Florida, being duly sworn, deposes and says:

I was at the Newnansville precinct, in Alachua County, Fla., during the last election, in the second congressional district, held November 3, A. D. 1874, and remained there, from half hour after the polls were opened, all day, until night.

Question. Did you act as supervisor of the election held there on that day?

(Objected to by contestee's counsel.)

Answer. I did, so far as I knew what the duties of a supervisor of an election were at the time, having been appointed as such supervisor.

A. There were quite a large number of persons who voted at that precinct whose names were not on the registration-lists. There were a hundred and twelve or a hundred and fifteen persons who voted at that precinct, whose names were not on the registration-lists. I know this because I kept a list of their names as they were sworn, and voted, and I aided the inspectors of the election to inspect the registration-lists, and their names could not be found on those lists, and I assisted in the election, and administered the oaths to most of the challenged voters. I did this to facilitate the election. The oath contained in section (16) sixteen of the acts of the Florida legislature of the year A. D. 1868, were administered to challenged voters. These challenged voters did not swear that their names had been improperly stricken from the registration-lists, but they swore that they had been registered voters. There were about fifteen persons who voted there, who, I believed then and believe now, were under the age of twenty-one years, though they took the oath and voted. I believe this because they looked too young, and their faces and forms were immature.

A. The polls were closed at that precinct after sunset and about dark. There was one vote taken after the canvass was commenced of the votes cast at that poll. I think this vote was cast by William Hawkins, a colored man. Most of the persons who voted at that precinct, whose names were not on the registration-lists, were colored voters, and I think most of them voted for J. T. Walls, judging from the color of

their tickets; both parties had different-colored tickets, but there was a slight shade of difference in the colors of the conservative tickets and the republican tickets. After the election was over the ballots were counted before proceeding to make up the returns. The election-returns were not sealed at all while I remained there or until the ballot-box was turned over to Joseph Valentine.

Q. Was Joseph Valentine an inspector of the election at that precinct?

(Objected to by contestee's counsel.)

A. He was not an inspector, but he was a supervisor of the election there. He was a colored man, and, I suppose, a supporter of J. T. Walls.

Q. Was the election there at that precinct conducted on that day in a quiet and orderly manner, or in a boisterous and turbulent manner?

(Objected to by contestee's counsel.)

A. There was considerable confusion among the voters, and some confusion in taking in the votes.

Cross-examination of J. S. DUPUIS by contestee's counsel:

A. I did not insist on the managers having the ballot-box sealed, or say anything to them about it, as I thought that that was their business and not mine.

Q. Were you not satisfied that a majority of the 112 or 115 whose names were not on the registry-lists, but who voted at that precinct, were legal voters or legally entitled to vote, and had been properly registered in this State and county, and that their names had been intentionally, or otherwise, left off of the registry-lists which were used at the Newnansville precinct?

(Objected to by contestant's counsel.)

A. I believe that the greater number of the 112 or 115 who voted but whose names were not on the registry-lists were registered voters, or had registered at some time previous, but how their names came to be absent from the registry-lists I do not know and cannot tell. The following is a list of the names of those voters who were challenged, but whose names were not on the registry-lists used there at that precinct, which lists were printed, and a few names written thereon, to wit: Henry Woodward, Abram Brown, Harrison Adams, Joseph Johnson, Geo. Pray, David Jones, Daniel Williams, Andrew J. Brown, John Fields, J. H. Revere, Saml. Hathcock, S. Blake, Bob Wilson, Taylor Drew, Harry Hall, Jackson Fowler, Isaac Hays, Aaron Dean, Chesser Mahoney, William Washington, Alex. Barbey, Willis Reynolds, Jack Banks, July Gaines, Jefferson Brooks, Dan Clark, Jack Bosby, Henry Mahoney, William Brookington, John Harris, Geo. Sheppard, Isaac Brookington, James Gaines, N. Gaines, Barney Belcher, Pressley Harris, Raphael Ferguson, Eloni Ferguson, Nelson Riley, George Doby, Manuel Doby, James Madison, Charles Gee, Abe Clifton, John Stephens, Taylor Johnson, Ned Dorsey, Amos Johnson, Henry Cooper, Jones Evans, Richard Cook, Jerry McCaslin, Balidal Small, Bristor Blue, Robt. Boulware, Richard Yates, Hector Mangum, Chester Fields, Amos Graham, Bill Williamson, George Sharpe, Ben Thompson, Charles Holland, Lee Lyons, Daniel Mahoney, Seth Brown, Ransom McDaniel, Reuben Buscam, Peter Jackson, William Mott, Crejo Howell, Eli McRae, Saml. Kerr, Washington Clark, George Pelason, Toby Welch, Albert Harkley, Steve Harris, Preston Welch, Richard Hall, Geo. Amos, Newton Harris, David Walker, George Lumpkin, Bassie Terry, Stephen Smallwood, Jacob Stanley, Joe Harris, George Hughes,

Emprey Danton, Lowden Tucker, Abe Brown, James Boyd, Isaac Ber-
nan, Cain King, Randal Stanley, Harry Amos, Wm. McLean, Joseph
Bradley, Chas. Adams, Ben. Nelson, Smart Sholler, Thomas Day, W.
H. Green, J. B. Haggins, Homer Cato, Samuel Payne, J. G. Sparkman,
Saady, (idiot,) John Richardson, Ivy Brewer, Calvin Sewell, Ivey Cooper,
Willis Vaughn, Vance Maury, James Brown, John Low, J. M. Farmer,
C. F. Parker.

Challenged voters on account of age: Tobe Johnson, Sam. Lewis,
Bingham Welch, Emanuel Hays, Peter Hoyt, (of Levy County,) Geo.
McCassil, David Williams, Tiler Nelson, Washington Williams, Ama-
ziah Banks, Eli Banks, Tom Johnson.

J. S. DUPUIS.

Sworn to and subscribed before me on this 19th day of August, A.
D. 1875.

R. F. TAYLOR,
Notary Public, Alachua County, Florida.

Deposition of George Helveston.

GEORGE HELVESTON, of Archer, in Alachua County, Florida, being
duly sworn, deposeth and says:

I was at Archer precinct, in the second congressional district of the
State of Florida, in Alachua County, on the 3d day of November, A. D.
1874, during the election held there on that day.

Question. Did you act at the Archer precinct as a supervisor of the
election held there on that day?

(Objected to by contestee's counsel.)

Answer. I received an appointment as supervisor of the election at
that precinct, but as no one swore me as to my duties as such super-
visor, I did not consider myself as occupying any further position at
the election there than any other voter. I paid strict and close atten-
tion, however, to the whole conduct of the election held there on that
day. It was nearly ten o'clock in the morning when the polls were
opened at the Archer precinct, and the polls there were closed twenty
or thirty minutes after sunset on that day. I noticed this particularly,
as I had a watch. Most of the white voters, who voted there at that
precinct, voted after sunset. I voted myself after sunset.

Q. Were the inspectors and clerk of the election sworn at that pre-
cinct before they proceeded to receive votes at the polls?

(Objected to by contestee's counsel.)

A. They were not sworn before proceeding to receive the votes.

Q. Were any votes challenged at the polls at that precinct?

(Objected to by contestee's counsel.)

A. Quite a number of persons were challenged at that precinct, but
they took some oath, which I do not now remember, and they were al-
lowed to vote.

Q. By whom were these challenged voters sworn before they were
allowed to vote; was it by one of the inspectors of the election, or by
some one else?

(Objected to by contestee's counsel.)

A. Some of them were sworn by R. H. Black, who was not an in-
spector, and who was a colored man, and some of them were sworn by
W. H. Geiger, one of the inspectors. I do not know whether R. H.
Black was a justice of the peace at the time or not, but he was a super-
visor of the election at that precinct. The ballot-box, during the hour

of adjournment for dinner, at that precinct was closed up in a house, concealed from the public view. The colored voters at this precinct were called into line by W. U. Saunders, and thus formed a column or line some one hundred and fifty feet long in front of the poll. In front of the poll there was a break or paling built, with an opening for the voters to come in at, and another opening for them to pass out at, and it was impossible for any one to vote at the poll without falling into this line or column.

Q. Did any conservative voters leave that precinct on that day on account of not being able to vote at the polls there?

(Objected to by contestee's counsel.)

A. Quite a number of conservative voters left there that day because they could not vote at the polls there. My son, George Helveston, jr., George Blich, N. H. Hane, and several others left there because they could not vote there, and some of them have told me since that they voted at other precincts. The nearest precinct to the Archer precinct was ten miles away, and, I think, over ten miles away. W. U. Saunders seemed to exercise a good deal of authority there over the election on that day.

Q. Were the efforts of W. U. Saunders directed there on that day in aid of the republican, or of the conservative ticket?

(Objected to by contestee's counsel.)

A. His efforts were in favor of the republican ticket. I arrive at this conclusion on account of W. U. Saunders ordering the colored voters into line, and from the great interest he took whenever a republican vote was questioned or challenged.

Q. Did W. U. Saunders wear any badge indicative of any office?

(Objected to by contestee's counsel.)

A. He wore a blue ribbon badge, which I took to be the badge of a United States deputy marshal.

Q. From all you observed there on that day, was that election conducted fairly and legally, and without intimidation?

(Objected to by contestee's counsel.)

A. I do not consider that it was conducted fairly and legally. As to intimidation, if conservative voters had attempted to vote, without falling in at the rear of the column of colored voters, it would have created a row; and if they had gone to the foot of this column they could not have voted until after sunset, as it took all day for this column to get through voting.

Cross-examination of George Helveston by contestee's counsel:

I suppose there were twelve or fifteen or more, probably twenty or twenty-five would cover the number, of conservative voters who left that precinct because they could not vote there. I am a conservative in politics, and voted for J. J. Finley, at that election, for Congress:

Redirect examination by contestant's counsel:

Q. Were the colored voters in the majority at that precinct on that day?

(Objected to by contestee's counsel.)

A. The colored voters were largely in the majority there on that day.

GEORGE HELVESTON.

Sworn to and subscribed before me on this 20th day of August, A. D. 1875.

R. F. TAYLOR,
Notary Public, Alachua County, Florida.

Deposition of William H. Belton.

WILLIAM H. BELTON, a resident of Gainesville, in Alachua County, Florida, being duly sworn, deposeth and says:

I have been clerk of the circuit court of Alachua County, in the second congressional district of the State of Florida, since the 8th of April, A. D. 1874; and I acted, as such clerk, as one of the members of the board of county canvassers of the returns from the various precincts or polls in the County of Alachua, of the election held in said county on the 3d day of November, A. D. 1874, for member of Congress from the second congressional district of the State of Florida.

Q. Can you state whether there was a precinct or poll opened in Gainesville, in Alachua County, for and during said election, designated and known as precinct No. three?

(Objected to by contestee's counsel.)

A. There was. As such clerk and county canvasser, I ascertained, when we came to canvass the general result of the election, that at that election there was no poll-list returned to myself, as clerk of the circuit court, or to the judge of the county court for Alachua County, with the ballot-box and other returns from said precinct or poll No. three, by the inspectors or managers of the election at said precinct or poll. This canvass was subsequent to the return of the certificate of the election from this poll or precinct to myself as county clerk. Two certificates of the result of the election from this precinct or poll were returned.

Q. To whom were these certificates returned, and by whom were they returned?

(Objected to by contestee's counsel.)

A. They were both returned to me by Lawrence Chestnut, one of the inspectors of the election at that poll or precinct. One of them was directed to myself as clerk of court, and the other was directed to the county judge, and was returned to him by myself.

Q. How are the poll-lists from the various precincts usually returned to the county canvassers after an election; and what do you mean when you speak of a poll-list? What is a poll-list?

(Objected to by contestee's counsel.)

A. What I understand a poll-list to be, is the list of the names of persons who voted at a precinct, which list is made by the clerk of the election at each precinct as they vote; which poll-list is usually returned with registration-lists, the oaths of the inspectors and other officers of the election, sealed up in the ballot-boxes, with the ballots; which was not done in the case of this precinct. At least this poll-list was not in the ballot-box from this precinct when the board of county canvassers opened the box, which was on the 9th day of November, A. D. 1874, the election-returns and ballot-box from the election at this precinct having been returned to me on the 4th day of November, A. D. 1874. When we began to canvass there was no poll-list found from this precinct at all, either with the ballot-box or with the certificate of the result of the election from this precinct.

Q. Was there any paper or written document found by the board of county canvassers when they went to canvass the result of the election which they took to be the poll-list from this poll or precinct No. three, and which they used and adopted as such poll-list; and where did they find it, or how did they get it?

(Objected to by contestee's counsel.)

A. When the board of county canvassers came to canvass the returns from this precinct, and found that there was no poll-list either in the

ballot-box or with the other papers and returns, and some move or remarks were made about it, Mr. W. K. Cessna, (I think,) who was one of the board of canvassers, got up and went into the room, I think, where this poll or precinct had been held and found some paper there which he brought back to the board of county canvassers and presented it to them, which they took to be the poll-list of that precinct, and which they adopted and used as such poll-list.

Q. Did it appear to the board of county canvassers from this paper, which they took to be and used as the poll-list of this precinct No. three, that there were names of persons upon it who appeared to have voted at that precinct, whose names could not be found on the registration-lists of the county of Alachua, and how many?

(Objected to by contestee's counsel.)

A. It appeared from that paper that there were quite a number of persons who voted at that precinct against whose names were written in parenthesis, "Not registered." I do not think that any of these names, thus designated, appeared from that paper or poll-list to have been sworn.

Q. As one of the board of county canvassers for Alachua County, can you state what appeared to be the result of the election at poll or precinct No. 3, in Gainesville, from the returns from that poll or precinct, for Representative in the Forty-fourth Congress of the United States from the second congressional district of Florida; that is, how many votes did the contestant, J. J. Finley, receive there, and how many votes did Josiah T. Walls receive there at that poll or precinct?

(Objected to by contestee's counsel, because the returns themselves would be the best testimony, and are not offered in evidence.)

A. At that precinct Josiah T. Walls received for Representative to the Forty-fourth Congress 207 votes. Jesse J. Finley received 16 votes from that precinct for Representative to the Forty-fourth Congress.

Q. As one of the board of county canvassers, can you state whether there were any discrepancies in the returns from Liberty Hill precinct at that election?

(Objected to by contestee's counsel. Question withdrawn by contestant's counsel.)

Q. Do the returns made to the board of county canvassers from the Micanopy precinct, in Alachua County, of the election held there on the 3d day of November, A. D. 1874, show that there were any persons who voted at that precinct whose names were not on the registration-lists, and how many?

(Objected to by contestee's counsel, on the ground that the returns themselves are the best testimony, and are not introduced in evidence.)

A. Sixty-three unregistered persons were allowed to vote at the Micanopy precinct. I know this, because the board of county canvassers, of which I was a member, compared the poll-list from that precinct that was made and kept by the clerk of the election there, with the registration-lists of the county. I do not know that these sixty-three persons were sworn by the inspectors of that precinct before they were allowed to vote.

Q. Did the board of county canvassers, in comparing the ballots from that precinct with the registration-list as returned from that precinct or with the clerk's poll-list of that precinct, ascertain that the ballots were numbered to correspond with the number set opposite the names of the respective voters on the clerk's poll-list?

(Objected to by contestee's counsel, on the ground that it is not the best evidence to prove that fact.)

A. All the ballots cast at that precinct that I examined, as one of the board of county canvassers, were numbered on their backs to correspond with the numbers set opposite the respective names of voters on the poll-list made and kept by the clerk of the election at that poll.

Q. Is the paper which you now hold in your hand the official return of the election held November 3, A. D. 1874, from precinct or poll No. 3, in Gainesville, Alachua County; and are you now and have you been the official custodian of said return ever since the return thereof to the board of county canvassers for Alachua County?—A. It is the official return of that precinct, or, rather, the official certificate of the result of the election at that precinct. As the clerk of the circuit court I am now the legal custodian of this duplicate which I have, as it is the one that was returned to and has been kept in my office.

Q. From that certificate of the result of the election at that precinct, what is the number of votes cast there for the respective candidates for Congress from the second congressional district of Florida?

(Objected to by contestee's counsel, because the whole paper is not offered in evidence and filed with the case, nor a certified copy thereof.)

A. By examination of this paper I find that Josiah T. Walls received for such member of Congress 207 votes and Jesse J. Finley received 16 votes.

Q. Will you refer to the official certificate of the result of the election at the Micanopy precinct, of which you are, as clerk of the circuit court, the custodian, and state what is the official result of the vote there at the election held November 3, 1874, for the respective candidates for Congress from the second congressional district of Florida?

(Objected to by contestee's counsel because the whole paper itself is not introduced and filed in the case as evidence or a certified copy thereof.)

A. From this paper I find that at that precinct Jesse J. Finley received for Representative in Congress 83 votes, and Josiah T. Walls received there for the same office 132 votes.

Q. Did the county canvassers for Alachua County, Florida, find, when they came to canvass the returns from the Gordon precinct, in Alachua County, that a large number of votes were cast there at that precinct by persons whose names were not on the registration-lists, in the election held there November 3, A. D. 1874, and how did they ascertain it?

(Objected to by contestee's counsel.)

A. By comparison of the poll-list returned to them from that precinct with the registration-lists the board of county canvassers found that a number of persons voted there at that precinct whose names could not be found on the registration-lists.

Q. Did it appear from the returns from that precinct that the clerk of the election there was sworn or not?

(Objected to by contestee's counsel.)

A. It appears from the minutes of the board of county canvassers, made during their canvass of the county votes, that the clerk of the election at that precinct was not sworn, and that the unregistered voters were not sworn.

Q. Do you know who was the clerk of the election at the poll or precinct at Barnes's Store, in Alachua County?

(Objected to by contestee's counsel.)

A. From the certificate of the result of the election at that poll or precinct, I find that the clerk of the election there was C. H. F. Thompson.

Q. In canvassing the result of the election from that precinct, did or did not the board of county canvassers find, from investigation, that C. H. F. Thompson, clerk of said election there, was not a citizen of the United States, and that he was not a registered voter of Alachua County, and State of Florida?

(Objected to by contestee's counsel.)

A. It appeared to the board of county canvassers that C. H. F. Thompson, the clerk of the election at Barnes's Store precinct was not a citizen of the United States. How they arrived at that information or conclusion, I cannot now say, but they objected to the reception of the returns from that precinct on that ground. They also examined the registration-lists of the County of Alachua, and could not find that he had ever been registered as a voter in said State and county. I suppose that the board of county canvassers concluded that C. H. F. Thompson was not a citizen of the United States, because they could not find his declaration of his intention to become a citizen of the United States, on file in the records of Alachua County.

Q. Did it appear to the board of county canvassers that the inspectors and managers of the election at the Barnes's Store precinct, had been sworn to perform their respective duties faithfully, from the returns from that precinct or otherwise, according to law, before they commenced receiving votes there?

(Objected to by contestee's counsel.)

A. There was no oath of the inspectors and managers of the election returned from that precinct to the clerk of the court, with the ballot-box and certificate of the result of the election there.

Q. In canvassing the returns from that precinct at Barnes's Store, did the board of county canvassers find any discrepancies in the number of ballots in the ballot-box from that precinct, and the clerk's poll-list kept there, and the certificate of the result of the election there?

(Objected to by contestee's counsel.)

A. It appears from the minutes made, and kept by the board of county canvassers at the time of canvassing the returns from Barnes's Store precinct, that they found in the ballot-box from there, one hundred and ninety-four votes, and that the number of persons who voted there at that precinct from the number of names on the clerk's poll-list of that precinct, were one hundred and eighty-one, (181,) and that the whole number of votes cast at that precinct from the certificate of the result of the election there, was one hundred and ninety, (190.)

Q. From the returns as received by the board of county canvassers from Barnes's Store precinct, what appeared to be the number of votes cast and counted there for the respective candidates for Congress, Josiah T. Walls and Jesse J. Finley?

(Objected in by contestee's counsel on the ground that the returns themselves or a certified copy thereof, are not offered and filed in evidence.)

A. At that precinct, as appears by the returns received from there for Representative in Congress, Josiah T. Walls received one hundred and twenty-five (125) votes, and Jesse J. Finley received sixty-five (65) votes?—A. As clerk of the circuit court for Alachua County, Florida, I have in my custody and control a book, in which the law requires the certificate of the result of the county canvass to be recorded, and in which the certificate of the result of the election as held in Alachua County within the second congressional district of the State of Florida, on the 3d day of November, A. D. 1874, is recorded.

Q. Will you examine that record-book and state what appears there

to have been the number of votes cast at the election held November 3, 1874, for the respective candidates for Congress, Josiah T. Walls and Jesse J. Finley, within Alachua County, and as the same was certified by the county canvassers of Alachua County to the board of State canvassers at Tallahassee, Florida?

(Objected to by contestee's counsel, on the ground that said record to which witness is now referring should be offered and filed in evidence, or a certified copy thereof.)

A. As appears from this record-book, the whole number of votes from Alachua County cast at that election for representative in Congress was one thousand and forty-four, (1,044,) as follows: Josiah T. Walls received six hundred and fifty-nine (659) votes, and Jesse J. Finley received three hundred and eighty-five (385) votes, respectively, for Representative in Congress.

Q. As clerk of the circuit court of Alachua County, are you not ex officio clerk of the board of county commissioners?

(Objected to by contestee's counsel.)

A. Yes, sir; following the example of all my predecessors, I have always been required to act as such.

Q. Is that book which you now hold in your hand a record of the proceedings of the board of county commissioners of Alachua County, and what is it called?—A. It is the record of the minutes, proceedings, and orders of the board of county commissioners of Alachua County, Florida, and is entitled or usually known as the "Minutes of the Board of County Commissioners."

Q. Will you examine that record-book and state who the inspectors were that were appointed by the board of county commissioners of Alachua County, Florida, to preside over the Newnansville poll, or precinct, at the election held on the 3d day of November, A. D. 1874?

(Objected to by contestant's counsel, on the ground that the record-book itself, or a certified copy of the proceedings thereof, to which witness is referring, are not filed in evidence as a part of the proceedings in the case.)

A. By the proceedings of record in this book, I find that the board of county commissioners for Alachua County, Florida, at their meeting held on the 5th day of October, A. D. 1874, appointed as inspectors of the poll, or precinct, at Newnansville, in Alachua County, Florida, to conduct the election held there on the 3d day of November, A. D. 1874, John B. Dell, William Valentine, and Thomas Simpson. This William Valentine is not the same person as Joseph Valentine.

Cross-examination of William H. Betton by contestee's counsel:

A. The election in Alachua County, Florida, was held on the 3d day of November, A. D. 1874. The board of county canvassers of Alachua County commenced to canvass the returns from the various precincts, or polls, throughout the county on the 6th day of November, A. D. 1874, and closed the canvass of those returns on Monday, the 30th day of November, A. D. 1874. Regular minutes of the deliberations of the board of county canvassers of Alachua County during that canvass were kept by myself, as clerk. Each precinct was taken up and disposed of by the board of county canvassers. The original minutes of the deliberations of the board of county canvassers are not on file in my office, but were sent to Tallahassee, Florida, with the official returns from the county of Alachua. On the 22d day of November, A. D. 1874, the board of county canvassers adjourned their proceedings on account of the intervening of the circuit court in and for Alachua County, and

til the 30th day of November, A. D. 1874. I hold a certified copy of the minutes of the deliberations of the board of county canvassers of Alachua County in my hand, which was made and kept during their canvass of the county vote, and it is the same one I referred to and testified from during my direct examination.

Q. Please refer to the minutes of the board and give the proceedings of the board of county canvassers in reference to precinct No. 3.—A. They are as follows:

“NOVEMBER 12th, 1874.—Board met. Present, W. K. Cessna, W. H. Betton, and S. W. Burnett. Proceeded to canvass the returns from precinct No. 3, of Gainesville. Result as follows:—For member of Congress, Josiah T. Walls received two hundred and seven (207) votes; Jesse J. Finley received sixteen (16) votes.”

I give only the result for member to Congress.

Objections to receiving the returns from this precinct:

“1st. No poll-book or names of electors voting was returned to the judge of the county court, or to the clerk of the circuit court, but the said poll-book was found eight days after said election at the place the said poll was held.”

The board of county canvassers finally concluded to exclude this poll or precinct from their official returns to the State board of canvassers. My impression is that it is the law of elections, and it has been the general usage and custom, for each precinct in the county to return as their official returns duplicate certificates of the result of the election, one to the county clerk, and one to the county judge, also the ballot-box containing the ballots, poll-lists kept by the clerk, and oaths of the inspectors and clerks. By poll-book I mean the poll-list kept by the clerk at a precinct of the names of persons as they vote, and I do not understand it at all as referring to the registration-lists. It has been customary to return the poll-list inside of the ballot-box. The ballot-box from this precinct was returned to the clerk's office on the 4th day of November, A. D. 1874, and was opened on the 12th day of November, A. D. 1874, when it was canvassed. I cannot state whether the poll-list from this precinct was in the ballot-box when it was first brought to me or not. The objections above given are all the objections that governed the board of county canvassers in their ruling to reject this precinct. There were other objections raised, but the only objections noted in these minutes are such objections as were thought by the majority of the board and passed upon by them as being material. Both of the certificates of the result of the election at this precinct were delivered to me, and on the same day that I received them I delivered one of them to the judge of the county court, that was addressed to him. The poll-list from this precinct that was found eight days after the election was sworn to by Mr. Brooks, the clerk at that precinct, and was received by the board of county canvassers as the real poll-list, and used as such by them. Since the use of that poll-list by the board of county canvassers it has been misplaced or lost, and I do not now know where it is. I have not been able to find it after diligent search. I did not examine this poll-list by comparison with the registration-lists of the county of Alachua to see whether the persons designated thereon as not being registered were really registered or not, myself, but Mr. S. W. Burnett, one of the county canvassers, took charge of that poll-list and examined and compared these names with the registration-lists which were looked over and examined by W. K. Cessna, a member also of the board, and as I was clerk, and as it was done in my presence, I took the result of their search and comparison down. The non-registration of these persons on this

poll-list was not assigned by the board of county canvassers as a cause or ground of rejection of this poll or precinct, because John B. Brooks and M. E. Papy, the clerk and inspector at this precinct, came in and stated to them that all these persons had been sworn before they were allowed to vote, which statement was satisfactory to the board on that point.

Q. Are you not now satisfied, after mature consideration, that that poll or precinct was rejected improperly and unwarrantably from the county canvass?

(Objected to by contestant's counsel.)

A. The board were of the opinion that they, as a board, had the power to throw out or exclude precincts for flagrant informalities and irregularities; and thinking that they had this power, I, with the rest of them, thought then that the irregularities were sufficient for them properly and fairly to throw out or reject that precinct; and if they, under the law, did have that power, I now think that they exercised that power in this case fairly and warrantably; but if they did not, under the law, have that power, why, as a matter of course, they acted unwarrantably; but I do not know now, nor did I know then, as a matter of certainty, whether the board had that power or not. A good many of the names that were designated on the poll-list of precinct No. 3, as not being registered, were found by the board of county canvassers to have been really on the registration-lists, and some of them were not found at all. A larger number of them were found to be really registered than were found to be not on the registration-lists who were marked not registered at this poll. I had the number of them from all the precincts that could not be found on the registration-lists; but I have lost this list of mine, and cannot tell now the exact number of them at any one precinct. At this precinct there might have been from twelve to twenty whose names could not be found on the registry-lists at all.

Q. Please turn to the minutes of the deliberations of the board of county canvassers, where it refers to the Micanopy precinct, and give the minutes made by them in regard to that precinct.—A. It is as follows:

“NOVEMBER 13TH, 1874.

“Board proceeded to canvass returns from Micanopy precinct with the following result: For member of Congress, Josiah T. Walls received one hundred and thirty-two (132) votes; Jesse J. Finley received eighty-three (83) votes.”

I give the congressional result only.

“Objections:

“1st. Non-registered persons, to the number of sixty-three, (63,) were allowed to vote who were not sworn, as appears from the poll-list.

“2nd. Ballots all numbered to correspond with the numbers set opposite the names of voters on poll-list.

“3rd. Poll not opened until 9.30 o'clock a. m.

“4th. Clerk of election not a registered voter.”

Of my own knowledge, neither I nor the rest of the board of county canvassers knew that these sixty-three persons were not sworn before being allowed to vote, except from what we saw on the poll-list from that precinct. We compared this poll-list with the registration-lists, and the greater portion of them, designated as not being registered voters, were found to be on the registration-lists, though some of them could not be found. I mean a great many more were found than were not found. The board of canvassers examined the registration-lists, and the name

of the clerk of the Micanopy precinct could not be found on them. The name of this clerk is Levi T. S. Pardee. I do not now recollect what proof the board of county canvassers had before them to show that the Micanopy poll or precinct was not opened until 9.30 o'clock a. m. on that election-day; but I am satisfied that it was on some proof presented to them at the time which was satisfactory to them.

Q. Please refer to those minutes of the proceedings of the board of county canvassers of Alachua County, where it refers to the poll or precinct at Gordon, in Alachua County, Florida, and give the proceedings of the board with reference to this precinct.—A. The minutes with reference to this precinct are as follows:

“NOVEMBER THE 18TH, 1874.

“Board met. Present, W. K. Cessna, W. H. Betton, and S. W. Burnett. On motion took up the returns from the precinct of Gordon, canvassed returns, resulting as follows: For member of Congress, Josiah T. Walls received eighty-six (86) votes; Jesse J. Finley received sixty-six (66) votes.”

I only give the result for Congressmen.

“Objections of county canvassers to receiving and counting this precinct and reporting its official returns to State board of canvassers:

“1st. No oath administered to forty persons voting who were not registered.

“2d. No oath administered to clerk of the election at that precinct.

“3d. Discrepancies in returns as follows: Certificate of result represents one hundred and fifty-two (152) votes polled. Number of ballots in box, one hundred and seventy-three (173) votes. Number of names on poll-list, one hundred and fifty-eight, (158.)”

A greater part of these persons represented on the poll-list as having voted at this precinct who were not registered, upon examination by the board of county canvassers were found to have been registered on the registration-lists. I think the board found all of them on the registration-lists, except eight or twelve. The registration-lists used by the board of county canvassers in looking for all names of persons supposed to have voted without being registered, were the registration-lists made in the year A. D. 1872 and in the year A. D. 1874. The minutes made and kept by the board of county canvassers show that the clerk at the Gordon precinct was not sworn, but the oath of office which he took was returned, I think, in the ballot-box from that precinct, which shows that he was sworn, which is evidently an error and mistake in the minutes on that point.

Q. Will you now please refer to those same minutes of the board of county canvassers, to their proceedings in reference to the returns from poll or precinct at Barnes's store, and give the minutes of the board in regard thereto?—A. The minutes in reference to Barnes's store precinct are as follows:

“NOVEMBER 18TH, 1874.

“Board proceeded to canvass returns from Barnes's store precinct with the following result:

“For member of Congress, Josiah T. Walls received one hundred and twenty-five (125) votes; Jesse J. Finley received sixty-five (65) votes.”

I give only congressional result.

“Objections of county canvassers to receiving and counting the returns from this precinct in their official returns to the State board:

“1st. Clerk of the election not a registered voter, nor a citizen of the United States.

"2nd. Inspectors of the election not sworn.

"3rd. Discrepancies in the returns as follows : Number of ballots in the box one hundred and ninety-four, (194.) Number of persons voting, as appears from the post-list, one hundred and eighty-one, (181.) Number of votes cast, as per certificate of result, one hundred and ninety, (190.)"

Q. Did L. A. Barnes, one of the inspectors at that precinct, come before the board of canvassers and make any statements to them in reference to whether the inspectors at Barnes's store precinct were sworn or not, and what is your recollection of his statements?—A. He did come before the board and make some statements in regard to the swearing of the inspectors at that precinct. What his statements were exactly, I cannot state positively, but my impression now is that he stated that the clerk and inspectors were sworn by him, but that they did not sign the oath of office, and that said oath of office had been lost or mislaid, and he did not know what had become of it. No oath as taken by the clerk or inspectors at that precinct was returned with the ballot-box and other official returns from there.

Q. Will you now refer to the Archer precinct and give me from the minutes of the board of county canvassers the proceedings of that board with reference to that poll or precinct?—A. The minutes of the county board of canvassers with reference to the Archer poll or precinct are as follows :

"NOVEMBER THE 18TH, 1874.

"Board proceeded to canvass returns from the precinct at Archer, resulting as follows :

"For Representative in Congress, Josiah T. Walls received two hundred and ninety-three (293) votes; Jesse J. Finley received twenty-five (25) votes. S. W. Burnett, one of the county canvassers, protested against the count of this precinct.

"Objections raised: No registration-list returned with the other returns. Affidavits filed with county canvassers of G. R. Moore, George Helveston, and W. H. Geiger, setting forth certain informalities and illegalities of said election at the Archer precinct. Oaths of office and certificate of result regular. Three hundred and twenty persons appear from the poll-list to have voted. Three hundred and eighteen ballots in box." The affidavits above referred to are not now in my office, and I do not know where they are, though I have looked for them at the request of contestee's counsel. I think that copies of these affidavits were sent to the board of State canvassers by the board of county canvassers. The board of county canvassers compared the poll-list from Archer precinct with the registration-lists of the county, and found that nearly all the persons who were thought to have voted there without being registered were upon the registry-lists.

Q. Please refer to the precinct at Newnansville, and give from the minutes of the board of county canvassers their proceedings in regard to this precinct.—A. The minutes of the county board with reference to Newnansville precinct are as follows :

"NOVEMBER 18, 1874.

"Board proceed to canvass Newnansville precinct, resulting as follows: For Representative in Congress, Josiah T. Walls and Jesse J. Finley; for Walls, two hundred and fifty-one (251) votes; for Finley, thirty (30) votes.

"Objections: No poll-list returned to county canvassers with the ballot-box, and none returned at all."

There was a revised registration-list prepared for the election of 1874;

but it was by no means thorough. I made it myself and prepared it to the best of my ability, from the very imperfect data that I had at the time, which was the best I could procure. I know that it was not a perfect registration-list. It was made by me pursuant to an order of the board of county commissioners of Alachua County.

Redirect examination of W. H. Belton by contestee's counsel:

Q. What registration-list or lists did the board of county canvassers use when they were examining the poll-lists from the various precincts as to those voters who were represented on those poll-lists to have voted at the various precincts without having been registered voters?—A. They used the list printed in 1872, which is the old list I found in my clerk's office. I mean the list of 1872, and also the list of 1874, as it was revised by myself. The old registration-lists of 1872 were sent to some of the precincts in the election held November the 3d, 1874, and the new lists revised by me in 1874 were also sent to some of the precincts. Orange-Creek, Micanopy, and Gordon precincts had old registration-lists of 1872 sent to them in this election. I mean by the old lists the list of 1872 that I found in my office before the revised list of 1874 was made. The precincts at Gainesville used both the lists of 1872 and the lists of 1874. I think Newnansville, Archer, and Waldo precincts had new lists of 1874 sent to them.

W. H. BELTON.

Sworn to and subscribed before me this 24th day of August, A. D. 1875.

R. F. TAYLOR,
Notary Public, Alachua County, Florida.

Deposition of Henry C. Parker.

HENRY C. PARKER, of Alachua County, a resident and citizen, being duly sworn, deposeth and says:

I was present at the Newnansville precinct, in Alachua County, in the second congressional district of the State of Florida, at the election held there on the 3d day of November, A. D. 1874, and acted as one of the inspectors of the election there during a part of that day. I do not think that I acted as inspector there until about an hour and a half or two hours after the poll had been opened and the voting commenced. It was (10) ten or (11) eleven o'clock on that day before I commenced acting as an inspector of the election at that precinct. The reason why I commenced acting as inspector at that time was this: I saw that the men there acting as inspectors were getting along very slowly in taking in the votes, and made the remark that I thought if I was acting as an inspector I could get along more rapidly than they were then doing. This remark made by me was repeated to the inspectors of that poll, and one Joseph Valentine came to me and told me that they wished me to act in the poll-room as an inspector; upon which I went into the room where the other inspectors were, and by their acquiescence and consent took the place of William T. Richardson, who was acting then as an inspector, and I acted in his place and stead from that time till the close of the day as an inspector. I was not appointed as an inspector of that precinct at that election by the board of county commissioners of Alachua County, but the people there, or a portion of them,

voted upon the question whether I should act as an inspector or not before I did act as such; and as there was no opposition, I was so elected by the votes cast for me.

Question. Before you commenced acting as inspector of that election at that precinct, did you take the oath required by law to be administered to inspectors before they proceed to act as such?

(Objected to by contestee's counsel.)

Answer. No, sir; I did not take any oath at all. The ballot-box at that precinct during the adjournment for dinner was left in charge of some of the inspectors and managers, and was left with them unsealed, and was so during the adjournment; that is, the hole through which the ballots were inserted was not sealed up or closed. I do not know where the key to the ballot-box at that precinct was during the adjournment there for dinner or during the whole day; but toward night, about the time of the close of the polls, the key was called for, and was produced by Joseph Valentine. This key was called for at the time we commenced to count the votes cast at that poll, which was a little while before the close of the polls. We—that is, the inspectors—did not count the number of ballots that were in the ballot-box as they were taken out of the box. They were only counted by and from the tally-lists that were kept by the clerk and Mr. J. S. Dupuis, as the votes or ballots were called off. Joseph Valentine was there at that precinct all during the day of that election, and did not act as either clerk or inspector of the election there at any time during the day.

Q Do you know whether or not a number of persons voted there at that precinct at that election whose names were not or could not be found on the registration-lists of the county of Alachua?

(Objected to by contestee's counsel.)

A. There were a good many who voted there whose names could not be found on the registration-lists. I do not now remember the number of them. Gideon Sparkman and C. F. Parker were two white men whose names I can remember who voted there whose names were not on the registry-lists. I administered the oath to both of them before they were allowed to vote. One of them said that he was a registered voter of Bradford County, and claimed the right to vote for member of Congress, and did vote. The white men there at that precinct voted for—at least it is my impression and opinion that they voted for—General J. J. Finley; and it is equally my opinion that the colored men voted there generally for General J. T. Walls. The voters who voted there at that precinct whose names could not be found on the registration-lists of the county took the oath that is prescribed in section sixteen (16) of the election-laws of the State of Florida of the year A. D. 1868, and no other oath. They did not swear that their names had been improperly struck from off the registry-lists of the county.

Q. From all you know and have observed, can you state whether Joseph Valentine is a republican or a conservative?

(Objected to by contestee's counsel.)

A. He is a republican, I think. Before the canvass of the vote at that precinct had been completed, I signed the certificate of the result of the election there, in blank, before the same had been filled out with the result of the election; as it was getting dark, I signed it in blank, and left before they were filled out; and when I left there, there was some talk of having Joseph Valentine to take the ballot-box and return to Gainesville, the county-site. I knew what the result of the election was at that precinct before I left there, and before I signed the blank certificate of the result, and I assented to the result thus found before I left.

Cross-examination, by contestee's counsel, of H. C. Parker:

Q. To a majority of the persons who voted at that precinct, whose names could not be found on the registry-lists, I administered the oath before they were allowed to vote.

HENRY C. PARKER.

Sworn to and subscribed before me this 23d day of August, A. D. 1875.

R. F. TAYLOR,
Notary Public for Alachua County, Fla.

Deposition of Peter G. Snowden.

PETER G. SNOWDEN, of Alachua County, Florida, being duly sworn, deposeth and says:

I was in Gainesville, Alachua County, Florida, on the 3d day of November, A. D. 1874, and acted as supervisor at poll or precinct No. three, (3,) in Gainesville, at the election held there on that day for Representative in Congress from the 2d congressional district of the State of Florida; and I paid close attention to the general conduct of the election on that day at that poll or precinct.

Question. Were there or were there not a considerable number of persons who voted at that precinct on that day whose names could not be found on the registration-lists?

(Objected to by contestee's counsel.)

Answer. There were a good many; I do not remember the number, but I think there were some sixty-odd. I sat near the clerk of the election at this poll, and, at the request of all the managers or inspectors, I assisted the clerk of the election to look for the names of the voters on the registration-lists as they would come up to vote, and as we would find the name of a voter presenting his vote on those lists, we would exclaim, "Found," and if the name could not be found on the registry-lists we would exclaim aloud, "Not found," and for those names that could not be found on these lists the clerk would write opposite thereto on his poll-list in parenthesis, "Not registered." These parties whose names could not be found on the registry-lists, before they were allowed to vote, were required to take the oath found in section sixteen (16) of the election-laws of the year A. D. 1868, with the addition thereto of the further oath that they had been registered voters previously thereto, but they did not swear that their names had been improperly struck off of the lists of registered voters—this I am confident of. Nearly all of these voters whose names were not on the registry-lists were colored men. There were some four white men who offered to vote at that poll whose names were not or could not be found on the registry-lists, and when these would offer to vote, the same oath was administered to them before they were allowed to vote that was administered to the colored men.

Cross-examination of Peter G. Snowden by contestee's counsel:

There was no form of oath at this precinct or poll No. three (3) in the hands of the inspectors, clerk, or managers of the election there, and when they found they had none, I went into an adjoining room and got the form of the oath that I thought was required by the laws to be administered to parties offering to vote whose names were not on the registry-lists, and told the managers what the oath was that I had

thus found, and they used this oath all during the day. The inspectors of the election at that precinct were M. E. Papy, E. Lawrence Chestnut, and W. H. Battzell, and the clerk there was John B. Brooks. My politics are democratic, and I voted at that election for J. J. Finley.

Redirect examination of P. G. Snowden:

Q. Were not the majority of the inspectors at that poll or precinct republicans?

(Objected to by contestee's counsel.)

A. They were so considered.

P. G. SNOWDEN.

Sworn to and subscribed before me this 21st day of August, A. D. 1875.

R. F. TAYLOR,
Notary Public Alachua County, Florida.

Certificate of notary.

STATE OF FLORIDA,
Alachua County:

I, R. F. Taylor, a notary public in and for said State and county, do hereby certify that in pursuit of notice duly given and served on contestee's counsel, on the 6th day of August, A. D. 1875, and in pursuance of an agreement between the respective parties as to the time of taking testimony in the case of Jesse J. Finley, contesting the seat of Josiah T. Walls, returned member to the Forty-fourth Congress of the United States of America from the second congressional district of the State of Florida, a copy of which notice is hereto attached, the above testimony, consisting of eighty (80) pages, numbered from 1 to 80, was duly taken in behalf of said contestant, the said contestant appearing by his counsel, Samuel Y. Finley, esq., and the said contestee appearing in person and by Alva A. Knight, esq., his attorney; that all of the within-named witnesses were duly sworn by me, and testified before me as above written, which said testimony was written by me as deposed by said witnesses and subscribed to by them, and each of them respectively, as appears by their and each of their respective signatures in their own handwriting, at the end of their and each of their respective depositions. I do further certify that all of said testimony was taken before me at Gainesville, in Alachua County, within the said 2d congressional district of the State of Florida.

In testimony whereof I have hereunto set my hand and affixed my private seal, not being possessed of an official seal of my office as notary public, on this the twenty-sixth day of August, A. D. 1875, at Gainesville, Fla.

R. F. TAYLOR, [SEAL.]
Notary Public in and for Alachua County, State of Florida.

Notice to take testimony at Lake City, Columbia County.

To the honorable Josiah T. Walls, returned member to the Forty-fourth Congress of the United States of America from the second district of the State of Florida:

SIR: You are hereby notified that on the 13th day of August, A. D.

1875, and from day to day thereafter as may be necessary, at Lake City, in the county of Columbia, and before A. B. Hagen, esq., a notary public, residing in said city and county, within the second congressional district of the State of Florida, or in his absence, or refusal, or inability to act, before W. M. Ives, jr., a notary public, residing in said city, county, district, and State, I will proceed to take the testimony of the following witnesses, to be used as evidence in my behalf, in my contest and denial of your right to represent the said second congressional district of the State of Florida in the Forty-fourth Congress, to wit: John V. Brown, William I. Barnett, Francis M. Weeks, K. S. Waldron, Duval Selph, Thomas M. Mickler, Charles R. King, John W. Tompkins, John A. Carroll, and Joseph Ward, at which time and place you may attend and cross-examine said witnesses.

Respectfully, &c.,

JESSE J. FINLEY,
Contestant.

JACKSONVILLE, FLA., *August 2, 1875.*

JACKSONVILLE, FLA., *August 2, 1875.*

I acknowledge due and legal service of the within, by copy of the same, and waive further notice.

J. T. WALLS,
By his attorney, A. A. KNIGHT.

In the matter of the contest of Jesse J. Finley, contesting the seat of Josiah T. Walls in the Forty-fourth Congress of the United States, for the second congressional district of Florida.

Testimony taken in pursuit of notice duly served by contestant upon contestee's attorney, on the 2d day of August, A. D. 1875, the said contestant appearing by S. Y. Finley, and the said contestee appearing in person and by his attorney, A. A. Knight, at Lake City, in Columbia County, within the second congressional district of Florida, this the 13th day of August, A. D. 1875, before A. B. Hagen, a notary public.

Deposition of W. I. Barnett.

W. I. BARNETT, being duly sworn, testifies as follows :

(A. A. Knight, attorney for contestee, objected to taking testimony at all, but assigned no reason for such objection.)

I was a citizen of Columbia County at and before the last general election. General J. J. Finley and Josiah T. Walls were the candidates for Congress at the last general election. General Jesse J. Finley was the conservative candidate, Josiah T. Walls was the republican candidate. The election was held on the third day of November, A. D. 1874. I was in Lake City, in Columbia County, Florida, in the second congressional district, on that day, and at the Colored Academy precinct the greater part of the day. I was there as a challenger. I reached the polls about eight o'clock; when about three hundred yards from the polls I looked at my watch, which was set the day before to railroad-time, and found it wanted five minutes to eight o'clock a. m., and I went immediately to the polls, walking fast, directly, and in haste. The polls were open when I arrived there, and they were voting. I staid

there from about eight a. m. till about three p. m. Charles R. King, John W. Tompkins, and a colored man by the name of Aleck Hamilton, were acting as inspectors.

Question. Were these inspectors republicans or conservatives ?

(Objected to by counsel for contestee.)

Answer. They were republicans.

Q. Were there any votes cast at that precinct when the names were not on the registration-list ?

(Objected to by counsel for contestee.)

A. A great many. I am satisfied there were seventy-five, and probably a hundred voted, whose names were not on the registration-list, who only took the following oath: "You do solemnly swear that you are twenty-one years of age; that you are a citizen of the United States, (or, that you have declared your intention to become a citizen of the United States, according to the acts of Congress on the subject of naturalization;) that you have resided in this State one year, and in this county six months next preceding this election; that you have not voted at this election, and that you are not disqualified to vote by the judgment of any court." No other oath was taken by those who voted, and whose names were not on the registration-list. None of the above took the oath that they had been registered and their names had been improperly stricken from the registration-list.

Q. Were there quite a number of persons voted there who were not citizens of Columbia County ?

(Question objected to by counsel for contestee.)

A. There was.

Q. Were these persons who thus voted, and were not citizens of the county, and not registered, mostly white or colored ?

(Question objected to by counsel for contestee.)

A. They were all colored as well as I remember. I challenged these voters, and Dr. E. G. Johnson insisted in several instances on their right to vote, and Charles Thompson insisted on the right of one to vote whom I knew not to be a citizen of the county. He was allowed to vote, and did vote. In the morning many of these refused to take the oath, but in the afternoon Dr. E. G. Johnson and others came up with them and insisted on their right to vote, and they took the above oath and voted.

Q. Was Dr. Johnson a notorious republican partisan of the county ?—

A. He was. He was a republican candidate for the State senate. The bulk of the republican tickets were colored—that is, not white; think they were green; the republicans had some white tickets, the same color as the conservatives. Josiah T. Walls's name was printed on the regular republican ticket. Charles Etto, May Bell, Jesse Gray, from Duval County; Dave Thomas, from Baker County; George Saunders, (penitentiary convict,) Martin Woodward, from Gadsden County, all voted, and I knew them not to be citizens of Columbia County, with the exception of the penitentiary convict, and there are a number of others whose names I do not now recollect, who were not citizens and voted at that precinct.

Q. Was the election on that day at the Colored Academy precinct, according to your observation, fairly and legally or fraudulently and illegally conducted ?

(Objected to by counsel for contestee.)

A. There were illegal votes cast; there was a good deal of fraud practiced. Some who came in the morning and were challenged, and told by the inspectors they could not vote, came in the afternoon, took the

oath above named, and voted. The clerk's office and all the county returns have been burnt since the election, as I understand.

Cross:

Q. You stated that there were seventy-five, perhaps one hundred, voted whose names were not on the registration-list; will you state on what grounds you make that statement?—A. From the number who voted whose names were not on the registration-list. When a man came up to vote, his name was looked for, and if not found the inspectors administered the oath. It is my impression the number is as large as seventy-five; not less.

Q. Do you mean to be understood that each and every one of the persons who voted, whose names were not on the registration-list, and included in the seventy-five or a hundred referred to, took the oath above referred to and no other?—A. I do.

Q. How did you decide that the persons referred to by you were not citizens of Columbia County?—A. By talking with them in other counties and their telling me so. Charles Etto told me so; May Bell, Dave Thomas, and Martin Woodward, also; Martin Woodward told me the day before the election he could not vote in this county because he was a citizen of another, Gadsden County. Do not remember the names of others, or of talking with them at this time. George Saunders swore that day that he had been pardoned; he had previously told me that he had served his time at the penitentiary.

Q. Has not Dr. E. G. Johnson been murdered since the election?
(Objected to by contestant's counsel.)

A. It is reported so.

W. I. BARNETT.

Deposition of John V. Brown.



JOHN V. BROWN, being duly sworn, testifies:

I was present at the Colored Academy precinct in Lake City, Columbia County, Florida, in the second congressional district, on the 3d of November last, at the general election. I was acting as a challenger for the conservative party. I was there about 7 a. m.; it could not possibly be ten minutes after seven. When I got there the house was closed. I looked through the window and saw the managers, and I asked for admission, and they let me in. John W. Tompkins, Chas. R. King, John A. Carroll, and Francis Carolina, and George G. Keen, (magistrate,) and four or five others whose names I do not now remember, were in the room where the ballot-box was. Dr. E. G. Johnson was in the next room, issuing paper of a green color, which I took to be tickets, to the colored people. There was a partition between the rooms. They were voting in there when I arrived. John W. Tompkins and Charles R. King, and a colored man named Hamilton, were acting as inspectors, and John A. Carroll as clerk. I knew Charles R. King to be a republican, for I heard him so express himself; the others were regarded as such. There was a number of votes polled that day of persons whose names were not on the registration-list. I looked over the list with Charles R. King, who was an inspector.

Question. Do you know of any who voted twice on that day?—Answer. One Huison Yates, a citizen of Duval County, to my certain knowledge, voted twice. In the morning he voted for Walls, in the afternoon he voted a folded ticket, a green one, (the republican color that day.) A

majority of the regularly-appointed inspectors were not present when I arrived in the morning. There were five voted that day that I positively know were not citizens of the county—William Williams, Huison Yates, Mitchell Yates, Peter Ranison, and Sam Jones. Henry Ellis, Charles Jones, and George Sanders were challenged on account of their being sent to the penitentiary. They refused to take the oath in the morning; they came back in the afternoon and took the oath, and voted at the instance of Dr. Johnson.

Q. Were there many conservative voters present when you arrived in the morning?—A. I do not think there were more than two—Frank Weeks and myself. Dr. Johnson was at the head of the republican party in this county.

Q. Did Dr. Johnson exercise a potential influence over the colored people in the county?—A. They did as he told them. I could not see him; he was in the next room; he was very urgent to have them vote.

Q. Do you recollect the respective number of votes cast for Congress at that precinct for the respective candidates?

(Objected to by counsel for contestee.)

A. There were six hundred votes cast for Congressmen; Finley got eleven and Walls five hundred and eighty-eight, I think. I derived my information from being present and keeping a tally-sheet. I know one who voted under twenty-one years of age; he voted a green ticket. Timmons Jenkins voted there in the latter part of the evening; he voted a green ticket also. One presented his ticket and called the name of Jake Williams; his name not being found on the registration-list, he then gave the name of Dick Cooper and voted under that name; he also voted a green ticket; he was a colored man.

Q. Was the precinct on that day under the control of republican or conservative influence?

(Objected to by counsel for contestee.)

A. I do not think the conservatives had any influence on that day. It was entirely under republican influence.

Q. From your observation on that day, was the election of that day conducted fairly and legally, or in an unfair and illegal manner?

(Objected to by counsel for contestee.)

A. It was fraudulent and illegal. There were illegal votes cast and allowed by the managers, who said they could not stop them if they took the oath.

Cross:

Q. When I started to the precinct I saw Mr. Baya's watch and it was five minutes after seven; it was just good daylight. The ballot-box was in the room sitting on a little table by the window when I went in; there was an alley-way from the other room to the window; the other room was open; the voters had to go up the alley-way to vote. With the exception of the illegal voting referred to, as far as my own observation extended, the election seemed to be a fair one. The republicans had several kinds of tickets on that day. All the republican tickets had Walls's name on, but some were mixed, some white—all that I saw.

Q. Can you state positively that the conservatives had no green tickets?—A. I saw none; Huison Yates told me he was a citizen of Duval County three years ago, and again last September. William Williams told me he was a citizen of Duval County. I judge Mitchell Yates to be a citizen of Mason County, because he had been there about a year prior to the election. Peter Ranison had been at Starke about nine months previous to the election. Sometimes his mail was sent to

Starke and sometimes to Trail Ridge. Sam Jones told me his home was in Duval County; I saw him there two years. Does not know Henry Ellis, Charles Jones, and George Saunders were convicts, but they admitted they had been sent to the penitentiary as convicts. Jim Jones was the one who voted, being under twenty-one years of age. He was born on my father's place in 1854, in the month of September or October. I was overseer on the place and kept a record of the births.

Q. Don't many of the colored people go by two names?—A. Yes; often the colored people call them by one name and the whites by another; they register by one name and the whites generally call them by the name they bore before emancipation.

Q. Can you state positively that they do not register under two names?—A. I cannot. There was no disturbance at the precinct; every one voted as he pleased; I did not hear a cross word.

JNO. V. BROWN.

JOHN A. CARROLL, being duly sworn, testifies:

Was present at the Colored Academy precinct in Lake City, Florida, in the second congressional district, on the 3d day of November, A. D. 1874, at the general election; I acted as clerk on that day. Dr. Johnson, (E. G.,) asked me to serve. I came up the day before the election at Dr. Johnson's request. I saw Dr. Johnson the day before the election. I saw Dr. Johnson several times during the day after I came in; I saw him at night again at his house. There was an appointed time for us to meet at Dr. Johnson's house; when I first went there at eight o'clock, when Mr. Selph was there, I don't think Dr. Johnson was in the room; I suppose he was busy in the matter of the election. After Mr. Selph went away and he, Johnson, had quieted his company, Dr. Johnson came in and brought a book, which I took to be a copy of the registration-book.

Question. State all that occurred between you and Dr. Johnson.

(Objected to by counsel for contestee.)

Answer. I took down fifty names, more or less, at Dr. Johnson's request, from the book Dr. Johnson took from the shelf. Dr. Johnson called off the names and I took them down. I had consented to act as clerk before Dr. Johnson gave me these names.

Q. What was the impression on your mind that Dr. Johnson desired you to do with those names?

(Objected to by counsel for contestee.)

A. The impression created at the time was that he wanted the names worked in to secure his election.

Q. Was there anything said about opening the polls earlier than eight o'clock?—A. The object was to open the polls as early as possible, so as to let them all vote. Johnson, I think, was estimating how many must vote in a minute to get through that day. It was a little after daylight when I got to the polls in the morning; I went there with Dr. Johnson; they did not commence voting as soon as I got there, but went at once to make arrangements for voting, by removing benches, &c. Mr. Cleaveland told me he could not serve that day.

Q. Was there anything said about King, Selph, or anybody else acting as inspectors?

(Objected to by counsel for contestee.)

A. There was something said relating to King's getting back; King was wanted here by Johnson; he came and acted as inspector; myself,

Dr. Johnson, Charles R. King, and John W. Tompkins started in company to the polls from Dr. Johnson's house.

Q. Was there anything said by Dr. Johnson, or any proposition made in your hearing, that a party should go and intercept the returns from the Ellisville precinct?

(Objected to by counsel for contestee. Question withdrawn.)

Q. Was there anything said by Johnson or any one else at that interview or any other with regard to voters coming up by the railroad?

(Objected to by counsel for contestee.)

A. After I lay down, there was a man came and knocked at the door at a late hour; I asked his name, and he told me it was Aleck Johns; I went with Johns part of the way to Dr. Johnson's door; he and Johns were talking on business, and I heard something said about some one coming up from Jacksonville; Johnson did not tell me who was coming up or what they were coming for; I was not near enough to hear distinctly, as the conversation was in whispers. Johns was a colored man; Dr. Johnson told me that the book I spoke of above was a copy of the registration-book.

Cross:

I do not recollect that Johnson asked me to work the names in; I don't remember; I suppose he thought I had sense enough to know what to do or he would not have wanted me as clerk.

Q. What did you do with the fifty names?—A. I tore them in pieces and put them in my boot-leg, and afterward gave them to Wm. P. Roberts; they were not used at all on the day of election; there were some half-dozen talley-sheets, perhaps a dozen. I think there were the same number of names on the sheet I tore up as on the other tally-sheets. Johnson told me the day before he wanted me to act as clerk. Before the polls were open George G. Keen was called or sent for and swore us in; four of us were sworn in; I was sworn separately, the rest I think together.

Q. Did Johnson tell you about his wanting King as inspector?—A. Do not recollect. I was present all the time the voting was going on.

Q. As far as your observation extended, was it a fair and legal election?—A. I was only a clerk and not acquainted with the people; as far as I know, it seemed to be a fair election; there were a great many challenges made by Mr. Barnett and Brown, especially by Mr. Barnett

Redirect:

I destroyed the list I wrote at Johnson's prompting after the election commenced. Johnson did not know till after I had torn it up. He knew before the election was over. I told him before the election was over.

Recross:

Johnson made no objection when I told him there was no use for it; it was too late to make any. He did not act as if he cared anything about it.

JNO. A. CARROLL.

Deposition of Keightley S. Waldron.

KEIGHTLEY S. WALDRON, being duly sworn, testifies:

I was clerk of the circuit court of Columbia County, Florida and had custody of the county records and election returns in Novem-

ber, A. D. 1874. Since the last general election the clerk's office and (I believe) all the county records have been destroyed by fire; this occurred in the month of December last.

Question. Did you examine the election returns after the election of the Colored Academy precinct and the Market-house precinct, to see whether there had been any double or illegal voting?

(Objected to by counsel for contestee.)

Answer. I examined the copies of registration-lists as returned from those precincts. I compared the registration-lists of the two precincts.

Q. State if upon this examination and comparison you found a number of names who had voted at both precincts?

(Objected to by counsel for contestee.)

A. I did. In the examination of the lists, I found sixteen names which had been voted at both precincts. Before I had finished the examination I was called on business in the office. I then went into the country, and when I returned the office had been destroyed by fire. I did not complete the examination. The copies of the registration-lists were certified copies of the original, and were alike at all the precincts.

Cross:

I do not remember whether, as clerk, I made certified copies of the registration-lists before the fire. I do not know of any being in existence at the present time. I commenced the examination of the lists perhaps about a week before the burning of the clerk's office. I think the returns for the whole county were returned within six days after the election; that is, the boxes containing the returns, the time required by law. The election was held on the third day of November, A. D. 1874. I mean by parties repeating, that the same parties voted twice, once at each precinct, as appeared from the names on the list. I could not swear that the names checked were thus checked when returned to the office, yet I do not think they could have been checked afterwards without my knowledge. I was absent from the office a day or two in Jacksonville. I was not in the office all the time from the filing of the returns until I made the examination. The boxes containing the returns were locked, and I do not think any one had access to them from the time of the return until I made the examination. It is my impression that I was called upon to examine by parties who wished to know if there had been any repeating, and, if so, to give certified copies of them. The boxes were not opened, that I knew of, until I commenced the examination. The boxes were behind the railing in the clerk's office where they could be seen. The office could be entered as easily as any ordinary building. The sheriff's office was in the same building. I had Francis M. Weeks as my deputy at that time and he had been so for over a year. He was a candidate for the State senate in opposition to Johnson.

Q. Were there not several parties under indictment in the county at the time the clerk's office was burned?

(Objected to by contestant's counsel as immaterial.)

A. I think so.

K. S. WALDRON.

Deposition of Francis M. Weeks.

FRANCIS M. WEEKS, being duly sworn, testifies:

I was at the Colored Academy precinct in Lake City, Columbia County, Florida, in the second congressional district, on the morning of the 3d

day of November, A. D. 1874. I got there about 7 o'clock a. m. When I arrived there I went to the clerk's desk, and found about twenty persons had already voted, as appeared from the lists. I staid there until about 3 p. m. I then left for about half an hour. I then returned to the Colored Academy precinct, and remained until the polls were closed. There were a good many voted at the Colored Academy precinct, whose names were not found on the registration-list, but I do not remember how many.

Question. Were the Colored Academy precinct and the Market-house precinct both in the town of Lake City?

(Objected to by contestee's counsel.)

Answer. They were. I partly examined and compared the Colored Academy precinct returns and the Market-house returns. As well as I recollect, I only found about seven persons whose names were checked on both lists. I was then called away to other business, and Mr. Waldron, who was assisting me, continued the examination until he was called away. Mr. Waldron was the clerk of the circuit court, and I was his deputy. My impression is the seven persons voted at both precincts, and I base my impressions on the names being checked on lists. I based my conclusions that a good many voted not on the registration-list by being present and looking over the registration-lists. I think there were four in one crowd. I observed from ten to fifteen who thus voted, as well as I recollect. I was the opponent of Doctor Johnson at this election. I paid particular attention to those who thus voted, and kept a list of the names until 3-o'clock; but the list was afterward burned in the clerk's office. Mr. Brown and Mr. Burnett got names that I did not get. When I saw them take the names I did not do it. The clerk's office was burned on the night of the 20th of December, A. D. 1874.

F. M. WEEKS.

Deposition of John W. Tompkins.

JOHN W. TOMPKINS, being duly sworn, testifies:

I was at the Colored Academy precinct in Lake City, Columbia County, Florida, in the second congressional district, on the 3d day of November last, and served as one of the inspectors of election there. I was nominated as inspector by Doctor Johnson. Doctor Johnson asked me the night before the election to act either as clerk or inspector. Mr. Cleaveland had declined to act. Mr. Cleaveland was the regularly-appointed inspector. Doctor Johnson told me that Mr. Cleaveland had declined to act, and that Mr. Cleaveland had suggested to him (Johnson) to get me. I was a supporter of Doctor Johnson at the election.

Question. Did Johnson say anything at that time to you about Charles R. King being requested to act in some official capacity at the Colored Academy precinct?

(Objected to by contestee's counsel.)

Answer. During the conversation I asked Johnson who he expected to have as inspectors. He said it was probable he would have Charles R. King; but as he was in Live Oak, he did not know whether he would be down or not. Johnson said it was likely there was another of the inspectors whose name I do not recollect would not act, and that was the reason he wanted Captain King. I slept or staid at Doctor Johnson's the night before the election. Mr. Carroll and Mr. Selys were

at Doctor Johnson's when I went there. Mr. Carrol remained all night and slept with me. Captain King was not there that night. I expect we were all political supporters of Doctor Johnson. I cannot speak positively except as to myself. King came to Johnson's to breakfast next morning. He was sent for to Holt's office by Doctor Johnson to see if he had come on the train, and if he was there to come to breakfast at Johnson's. King acted as inspector.

Cross :

We were at the polls some time before we opened them, and arrived at an early hour. It was insisted by several persons present that it was time to open the polls, but having considerable fixing to do——

Q. Why were not the polls opened?—A. Before it was possible to begin the election, it was necessary to open a panel through a door before we could receive the ballots. This took twenty or thirty minutes, as it took some time to send for a saw to open the aperture. The door was broken by doing it. In addition to this we had to arrange the table for the inspectors and clerk. It was quite a cloudy morning; it was impossible to tell without a watch when the sun did rise. It occurred to me it was not eight o'clock. Mr. Carolina being present with a watch stated that it was twenty or twenty-five minutes past seven o'clock. By Mr. Duval Selph's watch it was two minutes past eight o'clock; by Armstrong's watch it was three or four minutes past eight o'clock. Armstrong stated that he was just from a watchmaker's (Mr. Ross's) shop, and that he had the watchmaker's time. Consenting to be governed by the majority of the watches present, we opened the polls

Direct:

Mr. Armstrong was a preacher and a republican candidate for State assembly, a colored man.

Cross :

There was considerable challenging at the polls; John V. Brown and W. J. Barnett did most of the challenging. Francis M. Weeks challenged a few. There were (I imagine) at least fifty or sixty votes challenged. Persons were challenged because they were not on the registration-list. Two or three because they had been in the penitentiary.

Q. When their names, who offered to vote, could not be found on the registration-list, did you and the other inspectors require them to declare on oath that his or their names had been improperly struck off from the list of registered voters?

(Objected to by contestant's counsel.)

A. We had two oaths, and Captain King almost invariably administered the oath, and in every instance, as well as I remember, we administered the oath. I recollect occasionally they swore their names had been improperly struck from the rolls. The oath, section sixteen, act 1868, page 5, was the one generally administered in almost every case. There were only a few took the oath that their names were improperly stricken from the list. I asked Johnson to let me stay at his house the night before the election, as it was threatening rain and I wished to be early at the polls next morning.

JOHN W. TOMPKINS.

Deposition of Thomas M. Mickler.

THOMAS M. MICKLER, being duly sworn, testifies :

I know John W. Tompkins.

Question. Since the election, on the 3d day of November last, did you have a conversation with John W. Tompkins in reference to the Colored Academy precinct as to whether the votes the votes all tallied there or not ?

(Objected to by contestee's counsel.)

Answer. On the evening of the election, after the polls were closed, he (Tompkins) remarked to me that the votes did not tally at the Colored Academy precinct by thirty or forty. I asked him how they managed it. He said there was always a wheel within a wheel. I understood he was one of the inspectors at the Colored Academy precinct.

Cross :

The conversation commenced in this way: I remarked to Tompkins that I never saw an election conducted more fairly than it was at the precinct where I was, (the Market-house,) and that the votes (twice counted) came out even both times. He then made the remark above stated. I mean by the votes tallying that they were the same in number with the names on the clerk's list. I took the conversation jestingly, and I thought he had a little too much liquor aboard at the time.

T. M. MICKLER.

Deposition of Duval Selph.

DUVAL SELPH, being duly sworn, testifies :

I was at the Colored Academy precinct, in Lake City, Columbia County, Florida, in the second congressional district, a good part of the day on the 3d day of November, 1874, the day of the general election. I know Dr. E. G. Johnson; he was a candidate for the State senate. He was the republican candidate.

Question. Did you hear Doctor Johnson speak with reference to men voting both at the Market-house and the Colored Academy precincts; and, if so, what did he say ?

(Objected to by contestee's counsel.)

Answer. Heard him say that he did not think they would notice the voting at the Market and at the Colored precinct.

Q. Did you hear Dr. Johnson speak of voters being brought from other counties; and, if so, how many ?

(Objected to by contestee's counsel.)

A. I did; fifty-two in number. He said they were brought at his expense. I think he told me it cost him either three hundred and twenty-five or three hundred and seventy-five dollars. This conversation was after the election.

Q. Did you not have some conversations with him on the same subject before the election ?

(Objected to by contestee's counsel.)

A. He said at one time before the election that it might be difficult to get them. He said in Duval County there were two republican candidates running, and they might try to keep them in that county.

Q. Was there any conversation about getting men from other counties who had been registered in this county and whose names had not been stricken from the registration-list ?

(Objected to by contestee's counsel.)

A. He claimed that their names were on the registration-list.

Q. When Johnson remarked that he did not think they would notice the voting at the market-house and at the colored precinct, was the impression on your mind that he alluded to those who voted at both precincts?

(Objected to by contestee's counsel.)

A. Such was my impression. I was at the Colored Academy precinct when the polls were opened. They were opened at about three minutes after eight o'clock by my watch. I guess my watch was a little fast. I ran my watch up from the usual time one hour and twenty minutes. I believe I did this on the morning of the election. I saw Dr. Johnson in the afternoon before the election and also after tea; had conversations with him in reference to the election.

Q. From these conversations, and from the apparent interest he took in the election, was it not apparent that his object was to have this poll at the Colored Academy precinct opened before the legal hour?

(Objected to by contestee's counsel.)

A. I think he desired to get to voting as early as possible; I think so from his asking me to run up the watch. His calculation was that we would have to vote about three men to the minute, at least, so he stated to me. This was one of the reasons why he wished the polls opened early; as I suppose.

Q. Do you think one of his reasons for having the polls opened early was that he might have an opportunity to get votes polled before there was any one present to object?

(Objected to by contestee's counsel.)

A. I suppose it was.

Q. Did you have any conversation with Dr. Johnson with reference as to who were to act as inspectors at that precinct?

(Objected to by contestee's counsel.)

A. I did. He said he expected Johnny Tompkins and Charles R. King, and a colored man, whose name I have forgot. These persons did act.

Q. Did you understand the fifty-two voters expected by Dr. Johnson from other counties were colored men?

(Objected to by contestee's counsel.)

A. I did.

Q. Did you have a conversation with Dr. Johnson after the market-house precinct had been heard from, as to what he thought of the result of his election?

(Objected to by contestee's counsel.)

A. About four o'clock in the afternoon, I think—it might have been later—some person stated to Dr. Johnson about the number that had been polled at the market-house; he then remarked if there was not something done he was defeated. He then asked some person present—I do not recollect who; there were several present—if they could not fix up a trick and capture the Ellisville precinct returns as they were bringing them to Lake City. The Ellisville precinct is regarded as a conservative precinct.

Cross:

Q. Was not Dr. E. G. Johnson murdered since the election?

(Objected to by contestant's counsel.)

A. I don't know.

Q. What is your impression?

(Objected to by contestant's counsel.)

A. I heard so.

Q. Have you any doubt about it?

(Objected to by contestant's counsel.)

A. I believe he was killed. My relations with Dr. Johnson at the time of these conversations were confidential and very friendly. I was in frequent conference with him with regard to the election; I advised with him very frequently. I very frequently made suggestions to him with regard to the election. I do not know that I had not his confidence more than some others. I was desirous he should be elected. Our intention was to elect him. I do not recollect suggesting to him to bring back persons who were registered, who were absent from the county, to vote at the election; he spoke of doing it. I understood that the fifty-two voters were or had been registered voters of this county. The conversation with regard to parties voting both at the market-house and the colored academy took place about 10 o'clock p. m. of the day of the election. Johnson had not told me that parties had voted at both precincts before this conversation, nor at any other time. I have already stated what he said. Johnson did not pay me anything for running my watch ahead; I did it on my own free will. I was active in electioneering for Johnson. The election was conducted quietly, but I do not think fairly. I did not assist in conducting it; I went round and distributed tickets. There were several white men who I think voted for Johnson at that precinct. I was neither clerk nor inspector.

Q. Did you do anything unfair yourself at the election?—A. To my knowledge, I did not. The reason I think the election was conducted unfairly is, that from seventy-five to a hundred persons received tickets from Johnson. He called a name and a number and they put it through an aperture in the wall where the ballot-box stood, and called out the name and number, and the ballot was thus received; this is one of my reasons. Johnson called the name and gave the number which he gave to these parties from what he told me was a copy of the registration-list, and the parties took the number with the ticket and passed it through the hole to the inspectors, calling out the name. The returns from the Ellisville precinct were not intercepted.

Redirect :

Q. State other reasons why you consider the election unfair —A. My other reason is that the number of men who voted through the window by number, as above stated, were, (as I believe,) voting under fictitious names; no one told me so.

DUVAL SELPH.

I certify that the foregoing testimony is the original testimony taken before me as notary public at Lake City, Columbia County, in second congressional district of Florida, in the matter wherein Jesse J. Finley is contestant and Josiah T. Walls is contestee, on the 13th and 14th days of August, A. D. 1875.

[SEAL.]

A. B. HAGEN,
Notary Public.

To the honorable Josiah T. Walls, returned member to the Forty-fourth Congress of the United States of America from the second district of the State of Florida :

SIR: You are hereby notified that, on the 20th day of August, A. D. 1875, and from day to day thereafter as may be necessary, at the town of Madison, in the county of Madison, and before Hunter Pope, esq., mayor of the town of Madison, residing in said town and county, and with-

in the second congressional district of the State of Florida, I will proceed to take the testimony of the following witnesses in my behalf to be used as evidence in my contest and denial of your right to represent the said second congressional district of the State of Florida in the Forty-fourth Congress, to wit: Benjamin F. Wardlaw, W. L. Paramore, J. B. Lipscomb, A. M. Cason, James Ellenwood, Albert A. Ellenwood, George W. Bogue, and Enoch J. Vann, all residing in said county of Madison, within said congressional district, at which time and place you may if you choose attend and cross-examine said witnesses.

Jacksonville, Fla., August 9, 1875.

JESSE J. FINLEY,
Contestant.

I acknowledge service of the within by copy handed me this the 9th day of August, A. D. 1875.

J. T. WALLS,
By his attorney, A. A. KNIGHT.

In the matter of the contested election between Jesse J. Finley, contestant, and Hon. Josiah T. Walls, returned member from the second congressional district of the State of Florida, in the incoming Forty-fourth Congress.

The said returned member, Hon. Josiah T. Walls, by H. A. Pattison, his attorney, comes and objects to taking any testimony before the mayor of the town of Madison, in the county of Madison, under the 13th, 14th, 15th, 16th, and 17th specifications of notice of contest, upon the ground—

1st. That more than ninety days have elapsed since the date of the service of the answer of the said returned member, Hon. Josiah T. Walls; said answer served February 3, 1875. Provisions of section 1 of act of Congress, approved January 10, A. D. 1873.

2d. That said mayor has no authority to take depositions or other testimony, for the reason that there is no agreement in writing to extend the time beyond the ninety days limited by section 1 of the act of Congress approved January 10, 1873, entitled "An act supplemental to and amendatory of an act entitled 'An act to prescribe the mode of obtaining evidence in cases of contested elections,'" approved February nineteen, eighteen hundred and fifty-one.

August 20th, 1875.

H. A. PATTISON,
Attorney for Josiah T. Walls, returned member.

Deposition of A. M. Cason.

The testimony of A. M. Cason, a witness sworn by and before Hunter Pope, mayor of the town of Madison, in the county of Madison, Florida, in the matter of the contested election between Jesse J. Findley, contestant, and Hon. Josiah T. Walls, returned member to Forty-fourth Congress of the United States from the second congressional district of the State of Florida, in regard to an election held on the 3d day of November, A. D. 1874, for Representative to Congress for the second congressional district of Florida, members of the legislature, and constables, held at the probate-office precinct, at Madison court-house, in the county of Madison aforesaid.

Question. Were you not present on the morning of the election for

member to Congress, &c., of the 3d of November, A. D. 1874, after the polls had been opened and voting commenced, at the probate-office precinct, at the court-house in the county of Madison, State of Florida?—
Answer. I was.

Q. What position did you hold on that day in regard to said election?
(Objected to.)

A. I acted as supervisor, by appointment of United States judge.

Q. Did you or did you not, on that day, go into the probate office, where said election was held, during voting-hours, before the hour of adjournment allowed by law?

(Objected to.)

A. No; but I was in the evening, after the adjournment, at 12 o'clock.

Q. About what hour of the day was it?

(Objected to.)

A. As well as I recollect, between 3 and 4 o'clock in the evening; this was after they had adjourned for dinner and before the polls had closed, and while the election was going on; did not see any voting in that room at that time, but there was in others.

Q. How many and what inspectors were present at said precinct at that time?

(Objected to.)

A. There was no inspector, without the clerk was considered an inspector; he was the only man in the room besides myself, and I staid there some length of time before any of the inspectors came in. Wardlaw, one of the inspectors, came in finally.

(Counsel for returned member moved to strike out all of the last answer, upon the ground that the testimony and the 14th specification of contestant's notice of contest were contradictory, each of the other.)

Q. How long did you remain after said inspector came in?

(Objected to.)

A. I was there at least half an hour.

Q. How long before either or both of the other inspectors came in?

(Objected to.)

A. I do not know; neither returned while I was there.

Q. Where did you reside at the date of that election, and where do you now reside?

(Objected to.)

A. In Madison County, State of Florida.

Q. Was the door open, so that any one could go in and out without interruption?

(Objected to.)

A. Yes.

Witness cross-examined by H. A. Patterson, counsel for Hon. Josiah T. Walls:

Q. With which of the political parties did you vote and act on that day, and at that election?

(Objected to.)

A. I voted and acted with the democratic party on that day, and always have.

Q. Who were the inspectors at the probate-office precinct of said county, on said day of election?—A. I know that Mr. Wardlaw was one, but do not now recollect names of the others.

Q. With which of the political parties did Mr. Wardlaw act at said election?

(Objected to.)

A. I do not know.

Q. From what you know of Mr. Wardlaw's political views, with which of the political parties did Mr. Wardlaw vote and act at said election ?
(Objected to.)

A. From what I know of Mr. Wardlaw I should think he voted and acted with the democratic party.

Q. Was Jesse J. Finley the candidate of the democratic party at said election for Congress ?—A. He was.

Direct:

Q. Did you at that time know all of the inspectors at that precinct ?
(Objected to.)

A. I think I did, but do not now recollect their names.

Cross:

Q. From what you then and now know of the political views of the inspectors and clerk at said precinct election, did they vote and act with the democratic party on that day ?

(Objected to.)

A. The clerk and one of the inspectors voted the democratic ticket, as I suppose. The other two inspectors voted with the republican party, as I suppose.

Q. Were there any votes polled at said precinct while Mr. Wardlaw and the other inspectors were absent, and no one present but yourself and the clerk ?

(Objected to.)

A. None that I saw.

Q. Were there any polled after the return of Mr. Wardlaw, and the other inspectors ?

(Objected to.)

A. I cannot say. I did not go back there any more that day.

A. M. CASON.

Sworn to and subscribed before me this 21st day of August, A. D. 1875.

HUNTER POPE,
Mayor Town of Madison, Florida.

Deposition of Benjamin F. Wardlaw.

The testimony of Benjamin F. Wardlaw, a witness produced and sworn by and before Hon. Hunter Pope, mayor of the town of Madison, in the county of Madison, State of Florida, in the matter of the contested election between Jesse J. Finley, contestant, and Hon. Josiah T. Walls, returned member, contesting the right of said Josiah T. Walls to represent the second congressional district of the State of Florida in the incoming Forty-fourth Congress of the United States.

Question. Were you not present at the precinct in Madison County, Florida, known as the probate office precinct, on the third day of November, A. D. 1874, at an election then and there held for Representative to the Fourth-fourth Congress of the United States from the second congressional district of Florida, members of the legislature of Florida, and constables ?

(Objected to.)

Answer. I was.

Q. Who were the inspectors at said precinct?

(Objected to.)

A. B. F. Wardlaw, W. Miles Eliot, and Isaac Cook.

Q. Were said inspectors together at said precinct during said election continuously before and after the adjournment at noon on that day?

(Objected to.)

A. They were not.

Q. At what hour or hours were either or any of said inspectors absent, who were they, and how long absent?

(Objected to.)

A. Each of the inspectors were absent during the day some time or other. I was absent myself; was called out once, and was absent about twenty or thirty minutes. I had to go out to the privy; the other inspectors were out at the time, and I had to be excused by the clerk. I think this was between ten and eleven o'clock; the others were out at the time, and I was obliged to go. We had to suspend operations. Miles Eliot was out a good deal of the time during the day. I do not think Cook really understood his business; he was not the one at first selected; that one did not come, and he was picked up and sworn in. Don't think they were all absent at the same time at any other hour during the day.

Q. You say the other inspectors were absent at or about eleven o'clock, at which time you were obliged to be and were absent from said precinct. Did you know, and do you now recollect, when said inspectors left, and how long they were at the same time absent before the time you left as stated?

(Objected to.)

A. I can't say when they left and how long they were absent.

Q. Which of the inspectors received the ballots during said election?

(Objected to.)

A. Miles Eliot when he was present, and, when he was not present, I did.

Q. Were any votes taken at said precinct at said election during the said absence of said inspectors?

(Objected to.)

A. Not that I am aware of.

Q. At any time during that election on that day and at that precinct were any votes taken by one only of said inspectors, during the absence of the other two?

(Objected to.)

A. I don't remember that there were.

Q. What were you doing at the time you discovered you had to leave?

(Objected to.)

A. I was sitting there waiting for votes, I guess.

Q. Have you not heretofore made affidavit that votes were polled at said precinct at said election during the absence of two of the inspectors?

(Objected to.)

Further objection on the ground that the memory of the witness is sought to be refreshed by an *ex-parte* affidavit of witness.)

A. I have, but it had escaped my recollection until the present moment.

Q. Do you or not now recollect that votes were received at said precinct at said election by one inspector in the absence of the other two?

(Objected to.)

A. I can only say that after looking at the affidavit which was made a few days after the election by myself, that there were, and I guess that I must have taken them myself.

Q. Have you any recollection at this time that you did or did not so receive votes as aforesaid ?

(Objected to.)

A. I do not, but my affidavit shows that there was:

Q. Upon what was said affidavit based ?

(Objected to.)

A. I can only say that I was fully impressed of the fact at the time that votes had been received by one inspector.

Q. If you swore, as you say you did, soon after the said election, that votes were polled at said election during the absence of two inspectors, is said affidavit true ?

(Objected to.)

A. It is.

Q. Are you not now prepared to swear positively that votes were polled as aforesaid, and that they were taken by you ?

(Objected to.)

A. I made an affidavit to that fact, but cannot say positively that they were taken by me. Of course I am positive that votes were so received after having made affidavit to the fact, but do not now remember the circumstances.

Q. Do you recollect whether or not E. J. Vann, or some other person came in at said precinct during said election, and directed attention to the absence of two of the inspectors ?

(Objected to.)

A. It occurs to me that Mr. Vann did come in during the day and call attention to that fact.

Q. Do you recollect whether or not at that time you were receiving votes at said poll ?

(Objected to.)

A. I do not remember.

Q. How many votes were polled at that precinct at that election for Jesse J. Finley, for the Forty-fourth Congress of the United States for the second congressional district of Florida, and how many for the Hon. Josiah T. Walls ?

(Objected to.)

A. One hundred and fifty-two (152) for Finley, and two hundred and fifty (250) for Walls.

Q. Was or was not the door to the room in which said election was held in such condition that persons could and did have free access to the room for much of the time during said election ?

(Objected to.)

A. Several times during the day persons came in, but generally the door was kept locked ; this is my recollection of the matter.

Q. Were any refused admittance on account of their politics ?

(Objected to.)

A. Not that I am aware of.

Witness cross-examined by H. A. Patterson, counsel for Hon. Josiah T. Walls, contestee.

Q. How many times were you out of that room on the day of said election ?—A. Several times, but for a short while ; when there was no voting going on the inspectors relieved each other in that way.

Q. How many times were you absent from said precinct at said elec-

tion, leaving no other inspector present?—A. I don't remember any other time but the one alluded to.

Q. How many times did you leave said precinct at said election during the day, leaving but one inspector present?—A. I don't remember.

Q. Was there any time during the day that there was but one inspector present, except such time or times when you were there alone with the clerk?—A. I cannot say; I do not know.

Q. Did or did not the ballots polled at said precinct at said election and the poll-list as kept by the clerk, tally?

(Objected to.)

A. I believe they did.

Q. Did or did not any person or persons vote at said precinct at said election who were not qualified electors under the laws of the State of Florida?

(Objected to.)

A. A number were challenged, but took the necessary oath required by law, and voted; cannot say whether they were legal or not.

Q. With which of the political parties were your sympathies and actions at said election?

(Objected to.)

A. The democratic party.

Redirect:

Q. From what you know in regard to the manner in which the poll-list was kept, was it or not correctly kept?

(Objected to on the ground that it was a question of law and not of fact.)

A. My impression is that it was not correctly kept.

(Answer objected to on the ground that it is not responsive to the question.)

Q. How and by whom was said poll-list kept; when was it commenced; how long after voting at said precinct began; and, as well as you can judge, how many votes were polled, if any, before said poll-list was begun?

(Objected to.)

A. It was kept on slips of paper by the clerk, Mr. W. L. Paramore. It was commenced after several votes had been polled, some minutes after voting began; it struck me that it was wrong not to have a poll-list. Mr. Montgomery, one of the candidates for the legislature, said there was no use in having a poll-list. I got up and left the room and brought Mr. Vann in, who convinced Mr. Montgomery that it was necessary to keep a poll-list, and that we then began a poll-list. I can't say how many votes were polled before the poll-list was begun.

Q. Was or was not said Montgomery in the room where said election was being held at the time the question arose in regard to the poll-list? Was he a candidate at that time? If so, for what office or offices, and with what party did he act at said election?

(Objected to.)

A. He was in the room at the time the question arose in regard to the poll-list. He was at that time a candidate for the legislature, and he affiliated with the republican party.

Q. Was or was not the voting at that precinct very rapid at the beginning?

(Objected to.)

A. It was.

Q. Has it not been a matter of surprise to you that said poll-list did tally, and have you not so often expressed yourself?

(Objected to.)

A. It was a Munchausen wonder, and it has worried me exceedingly.

Q. Do you know how it was made to tally?

(Objected to.)

A. I do not.

Recross:

Q. Did you or not have the registration book or books, list or lists, with you at the said precinct at the said election?—A. We did have them.

Q. Who had the charge of said book or books, list or lists, at said precinct at said election?—A. Most of the time I did.

Q. Did or did you not have the charge of the said registration-list in the morning immediately after, and for some time after, the polls were opened at said precinct at said election?—A. I did.

Q. Did you or did you not check the name and names of voters as they voted on said registration-list?—A. I did.

Q. When you were convinced by Mr. Vann or somebody else that a poll-list should be kept, did the clerk, with your assistance, make the poll-list from the registration-list and according to the names as they there appeared to be checked up to the time of the commencing the poll-list?—A. The clerk kept the poll-list, and I presume in accordance with the registration-list.

Q. With which of the political parties did Mr. Paramore, the clerk, act and vote at said precinct at said election and during the canvass preceding said election?

(Objected to.)

A. I believe with the democratic party.

B. F. WARDLAW.

Sworn to and subscribed before me this 21st day of August, A. D. 1875.

HUNTER POPE,
Mayor Town of Madison, Florida.

Objection of contestee to Wardlaw's testimony.

Counsel for returned member objects to, and moves to strike out, all or so much of B. F. Wardlaw's testimony as relates to the poll-list at said probate-office precinct, at said election in said town and county of Madison, State of Florida, upon the ground that the specifications in the contestant's notice of contest contains no charge, direct or indirect, as to irregularities in the poll-list kept at said probate-office precinct at said election.

The contestant, by his counsel, answers that the objection comes too late, to wit, after the testimony of witness had been closed, and that if the testimony be improper, the other side cannot object thereto, as it was brought out by himself.

Counsel for returned member, for replication to the answer of counsel for contestant, says that the objection was taken and made before any other witness was sworn in the cause, and that the testimony referred to was not invoked by counsel for returned member, but by counsel for contestant in his direct testimony resumed, and is not in rebuttal of any evidence drawn out in the regular cross-examination.

Deposition of W. L. Parramore.

The testimony of W. L. Parramore, a witness produced and sworn by and before Hon. Hunter Pope, mayor of the town of Madison, in the county of Madison, State of Florida, in the matter of the contested election between Jesse J. Finley, contestant, and Hon. Josiah T. Walls, returned member, contesting the right of said Josiah T. Walls to represent the said congressional district of the State of Florida in the incoming Forty-fourth Congress of the United States.

Question. Who was the clerk of the election held on the third day of November, A. D. 1874, for member to the Forty-fourth Congress from the second congressional district of Florida, for members to the legislature, and constables, at the probate-office precinct in Madison County, Florida?

(Objected to.)

Answer. I was.

Q. At any time during that day were or were not a majority of the inspectors absent during voting-hours while the election was going on? If so, which inspector remained?

(Objected to.)

A. A majority was absent at one time that I know of. B. F. Wardlaw remained.

Q. Were any votes received any time during that day of said election by one only of the inspectors at said precinct during the absence of the other two, and, if so, how many as near as you can estimate?

(Objected to.)

A. Yes, sir. I don't know; several, I think.

Q. What was the political complexion of the inspectors and clerk at said precinct?

(Objected to.)

A. About equally divided, I reckon; two republicans and two democrats.

Witness cross-examined by H. A. Patison, counsel for Josiah T. Walls, contestee:

Q. With which of the political parties did Col. B. F. Wardlaw, one of the inspectors of said election at said precinct, who, as you have stated, remained when the other two were absent and received votes, act and vote at said election?—A. With the democratic party.

Q. With which of the political parties did you vote and act at said election?—A. The democratic party.

W. L. PARRAMORE.

Sworn to and subscribed before me this 21st day of August, A. D. 1875.

HUNTER POPE,
Mayor Town of Madison, Florida.

Deposition of Albert A. Ellenwood.

The testimony of Albert A. Ellenwood, a witness sworn by and before Hunter Pope, mayor of the town of Madison, in the county of Madison, Florida, in the matter of the contested election between Jesse J. Finley, contestant, and Hon. Josiah T. Walls, returned member, contesting the right of said Josiah T. Walls to represent the second congressional district of the State of Florida in the incoming Forty-fourth Congress of the United States.

Question. Who were the inspectors at the precinct known as the sheriff's office precinct at Madison court-house in Madison County, Florida, on the 3d of November, 1874, at an election then and there held for member to the Forty-fourth Congress from the second congressional district of Florida, members to the legislature, and constables?

(Objected to.)

Answer. C. S. Hadley, Albert A. Ellenwood, and James Ellenwood.

Q. How many votes were cast at that precinct for member to Congress, and how many of them were cast for Jesse J. Finley, and how many for the Hon. Josiah T. Walls?

(Objected to, and for further objection says that the witness is shown what purports to be a certified copy of election-returns to refresh memory; and further, that said paper was offered without submitting it to counsel on the other side.

Counsel for contestant withdrew the paper and offered it to counsel for contestee for examination, who received the same and examined it, whereupon the same was offered in evidence by counsel for contestant, subject to the objections aforesaid.

Counsel for contestee admits the return, but objects to any oral testimony with reference to it, on the ground that the return itself is the best evidence.

All special objections withdrawn and counsel objects generally to the admission of the document.

Paper filed marked "Exhibit A," and hereto attached, to wit, a certified copy of election-returns from said sheriff's office.

Counsel for returned member objects further to the witness testifying to the contents of said return.

And further, that the paper when offered and placed in the hand of the commissioner as testimony should not go out of his hands except for inspection by counsel.

And further, that said returns after being offered and placed in the hands of the commissioner to take testimony, to wit, Hon. Hunter Pope, mayor of the town of Madison, in the State of Florida, and by him filed and marked "Exhibit A," were taken out of his hands for other than the purpose of examination by counsel for the parties, contestant and returned member.)

A. Three hundred and nine: 61 for Jesse J. Finley; 248 for the Hon. Josiah T. Walls.

(Answer objected, to as it was made from memoranda held by the witness and copied by the witness from the certified copy of returns of said election now on file, and after said returns had been so filed with said commissioner.)

Q. How many names appeared on poll-list at said precinct?

(Objected to.)

A. Two hundred and ninety-eight, 11 less than the votes; I counted the votes myself in the presence of the other two inspectors.

Q. If there was an excess of ballots, as you answer there was, how much was that excess, and did or did not the inspectors take from the three hundred and nine (309) votes counted as stated, a number equal to the excess of the votes counted over the number of names appearing on the poll-list and destroy said excess before counting the votes and making return thereof?

(Objected to.)

A. They did not. The excess was counted in our returns.

Q. Who was regularly sworn in and acted as clerk at that precinct at that time?

(Objected to.)

A. T. M. Tull.

Q. Did any other person than said clerk act as clerk in his absence at said election, at said precinct, and who was not sworn as such, and did he put down names on the poll-list?

(Objected to.)

A. Yes. Geo. W. Bogue, who was not sworn; he took down several names, as near as I can recollect, six or seven, on what was kept as a poll-list. Mr. Tull had not returned from dinner.

Q. Did the board of inspectors adjourn at noon on that day at said precinct for dinner; and, if so, how long, which of the inspectors left the precinct, and which remained as custodian of the ballot-box?

(Objected to.)

A. Yes, they adjourned for a half hour at 12 o'clock, at my suggestion, and the voters outside were so notified. James Ellenwood and myself left the precinct. C. S. Hadley, the other inspector, remained in charge of the ballot-box.

Q. On your return, in what condition was the door of the room in which said election was held? Was the inspector in whose charge the ballot-box was left present, or where was he?

(Objected to.)

A. I returned promptly in half an hour with James Ellenwood, found the door locked, key out and Hadley gone, I knew not where. I went in search for him, saw him in a large crowd in the court-house square and told him it was time to open the polls; he came in and unlocked the door and we proceeded to take votes.

Q. How many windows were in the said sheriff's office, and were they left open or shut during time of adjournment?

(Objected to.)

A. There are three windows; two south and one west. They were all closed all the time; no windows up no time; the voting was done through a broken pane of glass.

Q. Did each of said windows have blinds and sash with glass in them; and, if so, were the blinds closed to each window and the sash down to each window during the time of adjournment?

(Objected to.)

A. The sash and blinds to the two south windows were closed during the whole day; the sash and one-half the blind of the west window were closed during our twelve o'clock adjournment.

Q. Was any of the glass out of the west window; and, if so, how much?

(Objected to.)

A. Yes; one pane of glass.

Q. Where was the ballot-box when you left it in the possession of Hadley, and where was it when you returned?

(Objected to.)

A. Hadley had taken up the ballot-box and had it under his left arm when I left the room; I think the ballot-box was on the table when I returned, but would not swear to it.

Q. From your knowledge of the situation proper for the ballot-box, of the room in which said election was held, and the condition of the windows thereof, was said ballot-box in full view of the public during said hour of adjournment?

(Objected to.)

A. I do not know.

Witness cross-examined by H. A. Patterson, counsel for Josiah T. Walls, contestee.

Q. You say there were three hundred and nine (309) votes polled at said precinct at said election; were they polled by persons entitled to vote at said election?

(Objected to.)

A. I challenged several whose names were not on the registration-list, but swore those who offered to vote and took their votes; I did not think those who were not registered were competent voters.

Q. State why the excess of votes between two hundred and ninety-eight (298) and three hundred and nine (309) were not drawn from the ballot-box and destroyed.

(Objected to.)

A. I did not know that I had the power to do it; I considered it a fair election.

Q. Was your father one of the inspectors at said election at said precinct?—A. Yes.

Q. Did or did not your father object to drawing out of the ballot-box the eleven excess of votes and destroying them; and, if so, what was his objection?

(Objected to.)

A. He did not; my father was in favor of destroying them.

Q. Did you or did you not, at any time since said election was held, make a statement that your father was opposed to taking out and destroying said ballots for the reason that it might take from the Finley vote, as the last few votes polled were democratic votes?

(Objected to; and further objected to, on the ground unless the name of the person to whom the statement was made, the time, and place, when and where made, were stated to the witness and embraced in the question.)

A. No; my father did not tell me what motives prompted him in the premises.

Q. Did you or did you not as inspector of said election at said precinct consider that it was a fair election, and therefore oppose drawing out and destroying said eleven excess of ballots?—A. Yes, as far as my observation went, which was very shallow.

Q. What do you mean by your observation being very shallow?—A. It must have been according to Col. Pattison's opinion of me. My correct answer would be, "My knowledge that day was too limited to judge of the fairness of the election. I was confined to one room."

(Answer objected to by counsel for returned member on the ground of evasiveness, and on the further ground of its being the answer of a willing witness.

Counsel for contestant objects to the objection of counsel for returned member as containing remarks in regard to the witness which are

gratuitous and unfounded, and as an apparent attempt on the part of counsel to get in what he conceives to be the conduct of the witness.

The counsel for the returned member, in reply, says that the remarks of counsel for contestant in his objection, as above stated, are without foundation in fact, and, in his judgment, without precedent in well-disposed trials.

The counsel for contestant replies that counsel may lie, but he protests that the witness on the stand does not.

The counsel for returned member simply refers to the first part of the answer of witness to the last question, referring to himself for the correctness of his objection.

The counsel for contestant doth the like by referring to the answer of witness and the remarks of counsel for contestee thereon.

The counsel for contestee submits the record of the whole matter for the correctness of the position taken by him.

The counsel for contestant doth the like, protesting against incumbering the record with irrelevant objections and remarks.

Contestee doth the like, and again submits the record as to the origin of irrelevant objections and remarks.)

Q. Was the election held at the said precinct and in the room where you acted as inspector fairly conducted?—A. It was; but some voted whom I thought had no right to vote.

(All the answer after the words, "it was," objected to by counsel for contestee on the ground that it is contradictory of the answer "it was," which is responsive to the question.)

Q. Did or did not the inspectors at said precinct and in the room where you acted as inspector consider said election a fair election?—A. On our part, as inspectors; but two of us believed that illegal votes had been cast. I mean that we, as inspectors, did our duty.

Q. You say but two of us believed that illegal votes had been cast. Who beside yourself as inspector so believed?

(Objected to.)

A. James Ellenwood.

Q. Which of the inspectors had charge of the registration-list at said election at said precinct?—A. I did.

Q. Did you, or did you not, check the names of voters on said list as they handed in their votes and gave their names?—A. I tried to do so correctly. I couldn't swear that I did so in every instance.

Q. Did or did not any person or persons vote at said precinct at said election but registered voters except the persons whom you say you challenged and they swore in their votes?—A. No.

A. If the eleven excess of votes had been drawn from the ballot-box and destroyed by the inspectors, which of the candidates, Finley or Walls, would have had a majority of the 298 votes polled and registered on the poll-list for member of Congress at said precinct at said election?—A. Josiah T. Walls.

Q. With which of the political parties did the clerk of said election at said precinct act and vote at said election and in the canvass preceding said election?—A. I presume with the conservatives, but could not swear to it.

Q. From your personal knowledge of the political views of said clerk at said election at said precinct, with which of the political parties did said clerk vote and act?—A. I can't say.

Q. With which of the political parties did the inspector James Ellenwood vote and act at said election at said precinct?—A. Conservative party. I can speak for him.

Q. Of which of the political parties was Jesse J. Finley, the candidate for Congress at said election at said precinct ?

(Objected to as immaterial and irrelevant)

A. The conservative party ; by the conservative party, I mean the democratic party.

A. Is it not a fact that if any irregularities were committed at said election at said precinct, they were committed by the political party who now seeks to take advantage of them ?

(Objected to.)

A. No.

Q. Is it not a fact that, on the evening of the 3d day of November, A. D. 1874, the day of said election at said precinct, that you, as an inspector of said election, in the presence of John Eagan and others, in the said sheriff's office, in said town of Madison, in said county of Madison, Florida, said that said election was a fair election, and that said eleven excess of votes were regularly and properly polled, and that the names of the voters not appearing on the poll-list was through the carelessness of the clerk of said election ?

(Objected to.)

A. Yes ; that was my opinion, and is still my opinion.

Redirect :

Q. What was the politics of C. S. Hadley, the other inspector at said precinct at said election, and was he or not in favor of the drawing and destruction of said eleven excess of votes ?

(Objected to.)

A. He was a republican. My recollection is that he opposed the destruction of the eleven (11) excess of ballots.

Q. If the excess had been drawn and destroyed, would it have been done after the ballots found in the ballot-box had been counted or not ?

(Objected to.)

A. I can't say ; didn't know the law on the subject.

Q. If the ballots so found in said ballot-box at said precinct had been counted, as the law directs, before the canvass of the votes, what effect would such previous counting have had in regard to the mixing of the ballots, particularly as to those on top ?

(Objected to.)

A. It would have placed those on top at the bottom, and they would have been counted and strung last.

Q. Was or was not the registration-list free to all the inspectors ; and when you say you had charge of it, what do you mean ?

(Objected to.)

A. It was. I was swiftest to find names, and by consent of the other two inspectors I took charge of it.

Q. Did or did not C. S. Hadley, the other inspector at said precinct at said election, assist you in finding the names on the registration-list ?

(Objected to.)

A. He did.

Q. Was there or not considerable confusion and haste in the voting at said precinct in the early part of that day ; and are you sure that every name was properly checked on the registration-list ?

(Objected to, and further objected to on the ground that nothing of the kind was drawn out by the cross-examination.)

A. There was confusion among the voters, and I am not sure that I checked every name, as I stated in the cross-examination.

Q. You say on your cross-examination that illegal votes were cast, as you believed, at said precinct at said election. Can you state in what respect they were illegal and how many, as near as you can estimate, from your knowledge of the matter, were so polled? And, if so, do so.

(Objected to; and further objected to on the ground that the witness is called upon by the question to give an opinion of law and not of fact.)

A. From my knowledge of the negroes, I believe their anxiety to vote outweighed their moral scruples, and six or seven, more not less, voted, who, I believed, had no legal right to do so; and, further, the registration-books were in such a condition that it was next to an impossibility to do just the right thing—except to swear them in and vote them anyhow.

(Counsel for returned member moves to strike out all the last answer, first, because it is not responsive to the question put by counsel; and second, that there is no allegation in the contestant's specifications of contest that the registration-books were in bad condition, or in such condition as to render it next to impossible to do the right thing; third, that the entire answer is mere matter of opinion, and is not the statement of a fact or facts.

Contestant, by his counsel, replies that said answer appears because counsel for contestee insisted that it should go down.

Counsel for contestee replies that witness had written out his answer and insisted on its being his answer.)

Q. You say on your cross-examination that illegal votes were cast at said precinct at said election. In what respect were they illegal, as far as you know?

(Objected to; and for further objection, first, that nothing of the kind was drawn out in the cross-examination, only as it appears by an addition to witness's answer to a legitimate and proper question on the cross-examination, which addition was not responsive to the question so put; second, that the question invokes an opinion of law and not the statement of a fact.)

A. A young colored man offered to vote, and did vote, claiming to be twenty-one, who was not that old, in the opinion of many by-standers; also Amos Savage voted, who, it was said, had been an occupant of the State prison; also others voted, their surnames and given names being the same, only reversed to escape detection. I could not stop such voting, as I did not know the individuals personally.

(Counsel for returned member moves to strike out all the last answer, because it is the statement of others and not founded upon a knowledge of his own.)

Q. With what party did said illegal voters affiliate and act at said precinct at said election?

(Objected to. Further objection that there is no proof that illegal voters had voted at said election other than the mere opinion of witness.)

A. With the republican party; they were colored men.

Q. As an inspector, assisting in conducting said election at said precinct, did you feel perfectly free to act? If nay, why?

(Objected to. Further objection that there is no allegation in contestant's specification of contest that any restraint had been offered to restrain any officer or officers in conducting said election.)

A. No. If I had taken upon myself not to receive those votes that I believed illegal, I should have been handled in the United States and State courts.

Recross:

Q. Are you, or are you not, a lawyer by profession?

(Objected to.)

A. I have been admitted to practice in the courts of this State.

Q. Are you, or are you not, familiar with the statutes of the State of Florida?—A. No.

Q. Did you, or did you not, act as inspector at any other election in the State of Florida other than the one held at the sheriff's office in the town of Madison, county of Madison, State of Florida, the 3d of November, A. D. 1874?—A. Yes; in the presidential and general election held in this State in 1872.

Q. Did you ever act as inspector at any other election in this State other than the ones held in 1872 and 1874?—A. Yes; at a municipal election held in this place. Think it was in 1872.

Q. At any other?—A. Not to my recollection.

Q. In what part of your cross-examination did you say illegal voting had been done at said election at said sheriff's office precinct, in said county, 3d November, 1874?

(Objected to on the ground that the testimony given is the best evidence.)

A. I do not remember. The record will show if I so stated.

Q. You say a young negro man voted at said election at said precinct who was not twenty-one years old. How do you know he was not twenty-one years old?—A. His very youthful appearance led me to that conclusion, and I was backed by the opinion of several by-standers, as it is a game the colored people attempt to play at every election, and I believe they are put up to it by their leaders.

Q. How do you know that the colored people attempt to play that game at every election, and what evidence have you that they do so, and that they are put up to it by their leaders?—A. From my observation and my experience at different elections as inspector.

Q. How do you know that the colored people attempt to play that game at every election, and what evidence have you that they do so, and that they are put up to it by their leaders?

(Objected to on the ground that the previous answer is not objected to as irresponsible.)

A. I answer again, I have seen persons offer to vote whom I believed to be under twenty-one years of age. I have heard colored people say that they were of the same opinion.

Q. Have you ever seen white men offer to vote whom you believed to be under twenty-one years of age?—A. No, sir; they are afraid they will be prosecuted in the State courts, if they had any inclination to do so.

Q. Then you do not know of your own knowledge that the young man who voted at said election at said precinct was not twenty-one years of age?—A. No.

Q. You say a man voted who had been an occupant of the State-prison. How long did he own and occupy the State-prison?

(Objected to as irrelevant to the issue.)

A. It was said Amos Savage had been confined in the State-prison.

Q. Do you know of your own knowledge that Amos Savage had ever been confined in the State-prison?—A. No; the records of the court will show that he was sentenced to be sent there, as I believe. I never saw the record.

Q. Then if you never saw the record of his sentence, how do you know or believe that he was ever sentenced to be sent there?—A. My recol-

lection is that I obtained the information from a printed slip furnished the inspectors on the day of the election; will not speak positively.

Q. By whom were you furnished the printed slip of paper?—A. By Judge E. J. Vann, who furnished me the original, and I printed several copies for use on election-day.

Q. Of what did it purport to be the original?—A. Of names taken from the registration-book, if I understand the question.

Q. Was it a certified copy of names taken from the registration-book under the seal of the county and made by the clerk?—A. No; but was furnished to prevent illegal voting, but it didn't scare worth a cent; they voted anyhow.

Q. Was it not furnished by democratic partisans and for party purposes?—A. No; but for the purpose of preventing those who had no right to vote from doing so, as it was believed such cattle would offer to vote.

Q. Was it an official document and furnished officially for the purposes you have stated?—A. No; but as a check against fraudulent votes.

(The last part of answer objected to by counsel for contestee as irresponsible.)

Q. Was it an official document, and furnished officially for the purpose you have stated?—A. No; I did not recognize it as such.

Q. Were you or were you not intimidated as inspector at said election at said precinct by a State or Federal officer; and, if so, by whom?—A. No.

Q. Did any person or persons vote at said election at said precinct but registered voters and those who swore in their votes according to law?—A. No.

Q. Is it not a fact that most, if not all, who voted at said election at said precinct who were registered, when they passed in their vote giving their names, also gave their number on the registration list or book?—A. No; at least one-third were without numbers.

Q. When more ballots were found in the ballot-box than names on the poll-list is it usual to mix the ballots before drawing out the excess of ballots?—A. I did not know the custom.

Q. Are not the ballots put back into the box after counting as near as may be as they were before taken out, those on the bottom of the box on the bottom, and those on the top on the top?

(Objected to on the ground that the question has already been substantially asked and answered.)

A. I don't know the custom.

ALBERT A. ELLENWOOD.

Sworn to and subscribed before me this 23d day of August, A. D. 1875.

HUNTER POPE,
Mayor Town of Madison, Florida.

Oath to be taken by the inspectors before opening election.

STATE OF FLORIDA,
Madison County:

We, the undersigned, C. S. Hadly, Albert A. Ellenwood, and James Ellenwood, inspectors of an election held at Madison, in the county of Madison and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by

virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, do solemnly swear that we will perform the duties of inspectors of the before-mentioned election according to law, and that we will endeavor to prevent all fraud, deceit, and abuse in conducting the same.

C. S. HADLY,

Inspector of Election.

ALBERT A. ELLENWOOD,

Inspector of Election.

JAS. ELLENWOOD,

Inspector of Election.

Sworn to and subscribed before me this 3d day of November, A. D. 1874.

GEORGE W. BOGUE,

Notary Public.

STATE OF FLORIDA,

Madison County :

I, F. M. Scott, clerk of the circuit court in and for said county, do hereby certify that the foregoing is a true and correct copy of the original oath now on file in my office.

Witness my hand and official seal this 9th day of December, A. D. 1874.

[SEAL.]

F. M. SCOTT, *Clerk.*

Oath to be taken by clerk before opening election.

STATE OF FLORIDA,

Madison County :

I, the undersigned, F. M. Tull, clerk of an election held at Madison, in the county of Madison and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, do solemnly swear that I will perform the duties of clerk of the before-mentioned election according to law, and that I will endeavor to prevent all frauds, deceit, and abuse in conducting the same.

F. M. TULL,

Clerk of Election.

Sworn to and subscribed before me this 3d day of November, A. D. 1874.

GEORGE W. BOGUE,

Notary Public.

STATE OF FLORIDA,

Madison County :

I, F. M. Scott, clerk of the circuit court in and for said county, do hereby certify that the foregoing oath is a true and correct copy of the original oath now on file in my office.

Witness my hand and official seal this 7th day of December, A. D. 1874.

[SEAL.]

F. M. SCOTT, *Clerk.*

Tally-sheet of sheriff's office precinct.

1 White, Step.	5 Smith, Henry
2 Williams, Isam	6 Wade, Ephraim
3 Straughter, Jeff.	7 Sailes, Larkin
4 Slaughter, Wm.	8 Williams, Jeff.
5 Wiche, Henry	9 Smith, Joe
6 Samuel, Wm.	60 Wyche, Littleton
7 William, Jesse	1 Warren, Stewart
8 Straughter, Ned	2 William, Jack
9 Smith, Lewis	3 William, Adam
10 Wyche, Jacob	4 Walker, Friday
1 Thompson, Gus.	5 Williams, Trimmer
2 Simkins, John	6 Smith, Curtis
3 Williams, Billy	7 Washington, Geo.
4 Thomas, Peter	8 Thomas, Danl.
5 White, Robert	9 Thompkins, Charles
6 Simkins, Wm.	70 Wiggins, Leo
7 Williams, Jack	1 Sloan, Paloda
8 Williams, Isaac	2 Stewart, Albert
9 Williams, Charley	3 Tice, Thomas
20 Williams, Frank	4 Smith, Tommy
1 Wesley, Arnold	5 Stephens, Abram
2 Thomas, Tone	6 Wyche, Robert
3 Torrents, Alfred	7 Smith, Hurdy
4 Thompson, Zack.	8 Smith, Cheatham
5 Stewart, Julius	124 (Not registered.)
6 Williams, Isaac	9 Smith, Sam
7 Thomas, Tom	80 Simmons, Robert
8 Summons, Edward	1 Thomas, Peter
9 Williams, Andrew	82 Waller, Daniel
30 Thompson, Jim	3 Twiggs, Sam
1 Whiler, John	4 Williams, Lewis
2 Williams, Wm.	5 Williams, Ishmael
3 Summerlin, Ephraim	6 Straughter, Sev.
4 Torrents, Elijah	7 Waller, Simon
5 Woods, Frank	8 Williams, Andrew
6 Williams, Thompson	9 Williams, Saml.
7 Townsend, Cohen	90 Sailes, James
8 Simmons, Phillip	1 Walker, Tom
9 Warren, Prince	2 Simmons, Simon
40 Smith, Green	3 Wadkins, Daniel
1 Williams, Maurey	4 Wardlaw, Coleman
2 Wardlam, Charles	5 Sheffield, Henry
3 Thomas, Augustus	6 Williams, Morris
4 Williams, Ben	7 Terry, Jesse
5 Thomas, Joseph	8 Sloane, Adam
6 Sneed, Joseph	9 White, Raif.
7 Thomas, Boston	100 Scarborough, Isaiah
8 Smith, Elbert	1 Stewart, William
9 Simmons, Henry	2 Wadkins, Isaac
50 Simmons, Solomon	3 Terry, Jesse
1 Williams, Morris	4 Samlin, Frank
2 Smith, Harry	5 Tompkins, Isaac
3 Williams, Robert	6 Tinsley, Innis
4 Wiggins, Charles	7 Wright, Mike

8 Williams, Aaron
 9 Smith, Bellamy
 110 Williams, Washington
 1 Washington, George
 2 Skipper, Robt. P.
 3 Simms, Samuel
 4 Williams, Richard
 5 Waller, Bob
 6 Sloan, Adam
 7 Williams, Henry
 8 Woodward, W. S.
 9 Williamson, Aaron, not registered, sworn.
 120 Sales, Eli, challenged by Geo. Lightner, not of age.
 1 Thomas, Joe
 2 Simmons, Ben.
 3 Williams, Alfred
 4 Shackelford, A. W.
 5 Simpkins, Lawrence
 6 Washington, George
 7 Young, George
 8 Turnage, Allen
 9 Simkins, Marshall
 130 Wiggins, Moses
 1 Williams, Jack
 2 Sealy, J. W.
 3 Williams, Bill
 4 Till, Isham
 5 Tooke, Summer
 6 Waters, Wm. J.
 7 Thompson, Demps
 8 Washington, James
 9 Stubbs, James
 140 Williams, W. B.
 1 Willson, Dave
 2 Taylor, William
 3 Witt, Wm. E.
 4 Waller, Jack
 5 Williams, Jim
 6 Wardlaw, Horace
 7 Walker, Samuel
 8 Williamson, John
 9 Smith, Andrew
 150 Wade, Jordan
 1 Tompkins, George
 2 Wilson, Andrew
 3 Sealy, F. W.
 4 Stephens, J. C.
 5 Wilson, John
 6 Thomas, Jacob
 7 Scranner, Wm.
 8 Stephens, George
 9 Williams, Israel
 160 Stephens, W. P.
 1 Shaffer, F. W.

2 Twiggs, Stephen
 3 Taylor, William
 4 West, James
 5 Wardlaw, John
 6 Watson, Anderson
 7 Wright, Robert
 8 Williams, James
 9 Williams, Richard
 170 Stewart, Joseph
 1 Usher, John
 2 Washington, Andrew
 3 Walker, Robert
 4 Spencer, Sam.
 5 Thompkins, Thos.
 6 Sessions, A. M. R.
 7 Shackelford, R. H.
 8 Thompson, Thos.
 9 Wiler, Stanford
 180 Shehu, Anton
 1 Shackelford, W. K.
 2 Young, Gunger
 3 Sanders, E. B.
 4 Sanders, Fred.
 5 Sanders, Bert
 6 Smith, Samuel
 7 Seaver, Washington
 8 Ward, Benjamin
 9 Townsend, C. C.
 190 Thomas, S. B., jr.
 1 Whittle, M. A.
 2 Stephens, Henry
 3 Withersbe, C. S.
 4 Stanford, J. S.
 5 Waters, Jim
 6 Williams, Solomon
 7 Thompson, W. J.
 8 Williams, Anthony
 9 Townsend, J. W.
 200 Waller, Chas.
 1 Wadkins, Samuel
 2 Smith, O. P.
 3 Williams, George
 4 Stuplin, J. N., not registered, sworn.
 5 Thompson, Jas. T.
 6 Williams, Rolin
 7 Whittle, W. F.
 8 Thomas, W. H.
 9 Wyche, Eli
 210 Warmock, Isaac
 1 Townsend, Allen
 2 Thomas, Thomas
 3 Whitehead, Silas
 4 Townsend, Joseph
 5 Wesson, A. W.
 6 Williams, William

- | | |
|----------------------------------|------------------------|
| 7 Stanton, Thomas | 7 Walker, Randolph |
| 8 Wade, Caswell | 8 Williams, Jacob |
| 9 Sloan, Alfred | 9 Tredwell, Stephen |
| 220 Savage, Samuel | 260 Simmons, Thomas |
| 1 Williams, William | 1 Vann, Edward |
| 2 Williams, Andrew | 2 Vann, F. J. |
| 3 Wilson, R. D. | 3 Thomas, Virgil |
| 4 Williams, Thos. | 4 Vann, E. J. |
| 5 White, Samuel | 5 Waller, Wash. |
| 6 Smith, Joseph | 6 Williams, Wesley |
| 7 Williams, Emanuel | 7 Tinsley, Whitfield |
| 8 Townsend, Thomas J. | 8 Simmons, Esau |
| 9 Washington, James Joseph | 9 Savage, Charles |
| 230 Savage, Amos, challenged, | 270 Thomas, Randall |
| larceny. | 1 Shakespeare, Jackson |
| 1 Taylor, W. N. | 2 Williams, Joshua |
| 2 Wallace, Samuel | 3 Sutton, Benjamin |
| 3 Sloan, Taylor | 4 Wright, Reuben |
| 4 Smith, Elbert, not registered, | 5 Stalsworth, George |
| sworn. | 6 Young, Dan'l E. |
| 5 Shells, Elias | 7 West, A. H. |
| 6 Singleton, Henry | 8 Thomas, Wm. |
| 7 Washington, George | 9 Sampson, M. M. |
| 8 Wise, Solomon | 280 Scott, F. M. |
| 9 Williams, M. S. | 1 Tull, F. M. |
| 240 Wilkinson, Wilson | 2 Ellenwood, James |
| 1 Tooke, Silas | 3 Hadley, C. L. |
| 2 Wadsworth, B. D. | 4 Ellenwood, A. A. |
| 3 Williams, Peter | 5 Simmons, Henry |
| 4 Skipper, Jas. | 6 Sermons, Robert |
| 5 Taylor, Fred. | 7 Woodward, A. L., jr. |
| 6 Williams, Henry | 8 Ware, Richard |
| 7 Williams, Henry, challenged, | 9 Witt, Williamson |
| not in county long enough. | 290 Washington, Joseph |
| 8 Washington, George | 1 Thomas, Edmund |
| 9 Shaw, Fd. | 2 Vann, John W. |
| 250 Sanders, Isham | 3 Simmons, John |
| 1 Silas, Henry | 4 Simkins, Charles |
| 2 Tompkins, Gilbert | 5 Sloan, Joseph |
| 3 Wilson, John A. | 6 Wilson, William |
| 4 Warrick, Patrick | 7 Whitus, James |
| 5 Scott, Granderson | 298 Hausman, W. H. |
| 6 Wyche, Wm. | |

STATE OF FLORIDA,
Madison County :

I, F. M. Scott, clerk of the circuit court in and for said county, do hereby certify that the foregoing list of names is a true copy of the original now on file in my office.

Witness my hand and seal of office this 5th day December, A. D. 1874.
[SEAL.] F. M. SCOTT, *Clerk.*

Certificate of the result of election.

[To be signed by inspectors and clerk of election. See section 23 of the general election law.]

STATE OF FLORIDA, *Madison County* :

We, the undersigned, inspectors and clerk of an election held at Madison, in the county of Madison and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify that the result of the said election was as follows, viz :

For Representative in Congress, Jesse J. Finley received sixty-one votes; Josiah T. Walls received two hundred and forty-eight votes.

For State senator, Alfred B. Osgood received two hundred and forty-nine votes; George F. Drew received sixty votes.

For member of the assembly, Benjamin W. Tedder received sixty votes; Amon DeLaughter received fifty-nine votes; David Montgomery received two hundred and fifty votes; Oliver J. Coleman received two hundred and forty-nine votes.

For constable, Robert Richardson received two hundred and forty-nine votes; George Smith received two hundred and forty-nine votes; Samuel Smith received two hundred and forty-nine votes; Wesley Anderson received two hundred and forty-nine votes; William Waters received two hundred and forty-nine votes; Lloyd Deadwilder received two hundred and forty-nine votes; Frank Sweet received two hundred and forty-nine votes; Paris Singleton received two hundred and forty-nine votes; William King received two hundred and forty-nine votes; John Wilkins, Preston Moore, Jack Thomas, each received two hundred and forty-nine votes.

Witness our hands at Madison, in the county aforesaid, this third day of November, in the year of our Lord one thousand eight hundred and seventy-four.

ALBERT A. ELLENWOOD,
Inspector of Election.

JAS. ELLENWOOD,
Inspector of Election.

C. L. HADLEY,
Inspector of Election.

F. M. TULL,
Clerk of Election.

N. B.—All of the blanks in the above certificate must be filled up *in words written at full length.*

The certificate must be signed in duplicate. One of the certificates *must be delivered by one of the number signing it, without delay, securely sealed,* to the clerk of the circuit court, and the other to the county judge of the county.

The poll-list and oaths of the inspectors and clerk must be transmitted with the certificate, to the clerk of the circuit court, to be filed in his office.

STATE OF FLORIDA, *Madison County* :

I, F. M. Scott, clerk of the circuit court in and for said county, do

hereby certify that the foregoing election return is a true and correct copy of the original on file in my office.

Witness my hand and seal of office this 5th day of November, A. D. 1874.

[SEAL.]

F. M. SCOTT,
Clerk.

Deposition of James Ellenwood.

The testimony of James Ellenwood, a witness produced and sworn by and before honorable Hunter Pope, mayor of the town of Madison, in the county of Madison, State of Florida, in the matter of the contested election between Jesse J. Finley, contestant, and Josiah T. Walls, returned member, contesting the right of said Josiah T. Walls to represent the second congressional district of the State of Florida in the incoming Forty-fourth Congress of the United States.

Question. Were you not one of the inspectors of an election held at the precinct in Madison County, Florida, known as the sheriff's-office precinct, on the 3d day of November, 1874, for member to the Forty-fourth Congress from the second congressional district of Florida, members to the legislature, and constables?

(Objected to.)

Answer. I was.

Q. How many ballots were counted at said election at said precinct for member to Congress; how many for Jesse J. Finley; how many for honorable Josiah T. Walls, and how many names were taken and appeared on the poll-list?

(Objected to.)

A. The whole number of votes were, I think, three hundred and nine, (309;) sixty-one, (61,) I think, for Jesse J. Finley; two hundred and forty-eight (248) for Josiah T. Walls; eleven (11) short of the whole number appeared on the poll-list.

Q. Did any person other than the sworn clerk act as clerk at said precinct at said election, without being sworn, and take down names of voters on the poll-list; and, if yea, who was it, and the circumstances under which it was done?

(Objected to.)

A. Yes, the sheriff, Mr. Bogue; I think G. W. are his initials. The clerk had not returned from dinner is the reason why Mr. Bogue acted as clerk, and there was great anxiety on the part of voters to vote.

Q. Were or not the said eleven (11) excess of votes over the poll-list, publicly drawn and destroyed by the inspectors at said precinct at said election before the canvass and return of the votes cast at that precinct? If not why not?

(Objected to.)

A. They were not; there appeared to be on the part of the other inspectors, particularly Mr. Hadley, a disinclination to have them thrown out.

Q. In whose custody was the ballot-box left during the time of adjournment at noon, and where was the custodian on your return after dinner?

(Objected to.)

A. In the care of Mr. Hadley, one of the inspectors; don't know where he was on our return from dinner; he was not in the room.

Q. Were, or were not, all the blinds and sash of the windows to said

sheriff's-office precinct, both before and on your said return from dinner, closed; and what was the condition of the door, or how otherwise?

(Objected to.)

A. We closed the windows when we went to dinner. The door was closed and locked on our return; found the windows, I think, as we left them.

Q. Was or not the ballot-box used at said precinct at said election during said adjournment at all times within full view of the public?

(Objected to.)

A. I don't know; was not there during the hour of adjournment.

Q. Was or not said ballot-box in full view of the public at the time of your said return from dinner?

(Objected to.)

A. I should say not.

Q. Why not?

(Objected to.)

A. By the doors and windows being closed.

JAMES ELLENWOOD.

Sworn to and subscribed before me this 23d day of August, A. D. 1875.

HUNTER POPE,
Mayor Town of Madison, Florida.

Certificate of mayor.

STATE OF FLORIDA,
Madison County:

I, Hunter Pope, mayor of the town of Madison, in the county of Madison, State of Florida, do hereby certify that, pursuant to notice hereto annexed, and the acts of Congress in regard to contested elections, I have taken the testimony of A. M. Cason, B. T. Wardlaw, W. L. Panamore, A. A. Ellenwood, and James Ellenwood, being all the witnesses produced before me in behalf of Jesse J. Finley, contestant, against Josiah T. Walls, returned member to the Forty-fourth Congress of the United States from the second congressional district of Florida, in regard to an election held for member to Congress, &c., from said district, in Madison County, Florida, on the 3d day of November, A. D. 1874, at the probate office precinct, and the sheriff's office precinct, and the testimony of each witness hereto attached is a true record of the same; and, further, that I have attached hereto said notice, the grounds of contest of said contestant, and the answer thereto by the contestee, together with subpoenas and proof of service thereof.

In witness whereof I have hereunto set my hand and private seal, having no seal of office, at Madison, Florida, this 23d day of August, A. D. 1875.

HUNTER POPE, [SEAL.]
Mayor of the Town of Madison, Florida.

Agreement No. 5.

GAINESVILLE, FLA., *August* 23, 1875.

IN THE MATTER OF JESSE J. FINLEY, CONTESTANT, }
vs. } 44th Congress.
 JOSIAH T. WALLS, CONTESTEE. }

It is mutually agreed that Josiah T. Walls, contestee, shall have forty days from the (15th) fifteenth day of September, 1875, in which to take testimony in the above-entitled case, and that at the expiration of said forty days from the fifteenth day of September, 1875, the said Jesse J. Finley, contestant, shall have ten days in which to take rebutting testimony.

J. T. WALLS, *Contestee.*
JESSE J. FINLEY,
Contestant,
By S. Y. FINLEY,
His Attorney.

Notice of contestee to take testimony at Gainesville.

To the honorable Jesse J. Finley, contesting member to the Forty-fourth Congress of the United States of America, from the second district of the State of Florida.

SIR: You are hereby notified that on the 18th day of October, A. D. 1875, and from day to day thereafter, as may be necessary, at Gainesville, in the county of Alachua, and before S. F. Halliday, notary public, residing in said city and county within the second congressional district of the State of Florida, or, in his absence or refusal, or inability to act, before W. K. Cessna, county judge, or R. F. Taylor, notary public, I will proceed to take the testimony of the following witnesses, to be used as evidence in my behalf in the contest now pending between you and myself, as to which of us is entitled to represent said second congressional district in the Forty-fourth Congress, to wit: W. H. Belton, W. K. Cessna, S. F. Halliday, L. E. Chestnut, Thomas Rush, J. W. Valentine, William Valentine, Thomas Simpson, William Trapp, L. A. Barnes, Allen Barbed, Geo. Washington, T. C. Gass, Watson Porter, Albert McKinney, Allen M. Jones, J. C. Brown, Joe Row, C. Sweat, Henry Washington, M. E. Pappy, M. M. Lervay, J. B. Brooks.

Respectfully,

JOSIAH T. WALLS,
Contestee.

JACKSONVILLE, FLA., *October 12, 1875.*

Service accepted, October 12, 1875.

J. J. FINLEY, Contestant.

*Agreement No. 6.*GAINESVILLE, FLA., *October 22, 1875.*

Memorandum of agreement entered into by Jesse J. Finley and Josiah T. Walls, in the matter of the contest for a seat in the Forty-fourth Congress of United States.

It is agreed mutually—

1st. That the said Josiah T. Walls shall finish the examination of witnesses before S. F. Halliday, notary public, on the 23d day of October, 1875.

And that the said Jesse J. Finley shall examine the following witnesses before R. F. Taylor, esq., as notary public, at Gainesville on the same day, viz: Dr. P. G. Snowden, J. D. Matheson, J. C. Gardner, J. B. Brown, W. F. Rice, E. C. F. Sanchez, J. M. Hall, L. A. Barnes, M. E. Papy, W. H. Belton, Thomas F. King, and that the testimony in said cause for Alachua County shall then be concluded.

J. J. FINLEY, *Contestant,*
By S. J. FINLEY,
His Attorney.

J. T. WALLS, *Contestee.*

STATE OF FLORIDA, *Alachua County:*

GAINESVILLE, FLORIDA, *October 18, 1875.*

Testimony taken before S. F. Halliday, a notary public at Gainesville, within the county of Alachua, within the second congressional district of the State of Florida, in the matter wherein Jesse J. Finley contests the seat of Josiah T. Walls in the Forty-fourth Congress of the United States, the said second congressional district of the State of Florida, in pursuance of notice dated October 12, A. D. 1875, and served that day on the contestant personally by contestee. The said contestee appearing by his attorneys, Austin & Cessna, and the said contestant by S. Y. Finley, his attorney. This the 18th day of October, A. D. 1875.

Deposition of Henry Washington.

HENRY WASHINGTON, of Archer, in Alachua County, being duly sworn, deposes and says:

Question. What is your name and where do you reside?—Answer. Henry Washington. I reside in Archer, Alachua County, State of Florida.

Q. Were you present at the election held on the 3d day of November, 1874, for member of Congress?—A. I was present.

Q. Did you act in any official capacity at that election; and, if so, what?—A. I acted as one of the inspectors.

Q. At what hour did that election open?—A. At eight o'clock, I think; I am not certain.

Q. Was it a clear or cloudy morning?—A. I do not recollect.

Q. Were you sworn as one of the inspectors of election; and, if so, by whom?—A. I was; by Allen M. Jones, justice of the peace.

Q. Was or was there not an affidavit subscribed to by you on that day at that election?—A. There was.

Q. Do you identify Exhibit A as the original oath of election taken by the inspectors of election of Archer precinct, November 3, A. D. 1874?—A. I do.

Q. How did the people come to the polls to vote at that election?—
A. They all came peaceably and quiet. There was no row.

Q. What arrangements, if any, were made for the people to get to the polls to vote?—A. There was a stand made in front of a window; the voters passed between the stand and the window, voted, and passed out the other side.

Q. Was there or was there not a line of voters formed coming to the polls?—A. There was.

Q. State, if you know, for what purpose.—A. Nothing that I know of except to get to vote.

Q. Did the formation of that line prevent or hinder any elector from exercising the right of voting on that day?—A. No; it did not hinder any one from voting that day.

Q. Did the formation of this line prevent the conservatives in any way from voting on an equal footing with the republicans?—A. It did not.

Q. Was or was there not any attempt made on the part of the republicans to prevent the conservatives from voting on that day?—A. There was not.

Q. Was or was not the electors, whose names were not found upon the registration-list, properly sworn, before being allowed to vote?—A. They were.

Q. State at what time the election was closed.

(Contestant's counsel objects to the question on the ground that it is not in pursuit of the pleadings—that is, of the contestant's allegations or the contestee's answer.)

A. Between half an hour and a quarter, by sun, as near as I can remember.

Cross-examined:

Q. Who were the other inspectors at the Archer precinct at the election about which you have been testifying?—A. Green R. Moore and Harman Geiger.

Q. How were you appointed or chosen as an inspector at that election?—A. There were very few there, and I was called in and appointed by Harman Geiger, who was the head inspector, to take Mr. McKinney's place, who had been appointed an inspector to the county commissioners, Mr. McKinney being absent.

Q. Did you act as an inspector at that election all day?—A. I did.

Q. How do you know that it was 8 o'clock when the election opened?—A. Harmon Geiger had a watch, and said so.

Q. What oath was administered to you as inspector of that election? (Objected to by contestee's counsel because record evidence is the best.)

A. I was sworn to do right in conducting the election, and the oath was read to me. I did not read it. Allen M. Jones read it to me.

Q. Why did you not read the oath?—A. Because it was read to me and I took it.

Q. Could you read at the time the oath was administered to you? (Objected to by contestee's counsel because nothing of the kind was brought out in the direct examination of the witness.)

A. I could read print a little.

Q. Can you write your name?—A. I can.

Q. Why do you recognize Exhibit A as the original oath taken by the inspectors?—A. By my cross and name.

H. Mis. 58—8

Q. When were you sworn on the day of election?—A. Before the election commenced.

Q. How were you sworn?

(Objected to by contestee's counsel, because nothing of the kind was elicited in the direct examination.)

A. I was sworn on the Bible, with my right hand raised.

Q. Where were you when the election was going on?—A. I was at the ballot-box inside the room.

Q. How do you know that the formation of the line spoken of in your direct testimony did not in any way prevent or hinder conservatives from voting?—A. Because when they did come they formed into line and came up and voted, and nobody objected.

Q. How do you know a conservative from a republican?—A. By their tickets only.

Q. How did you know by their tickets?—A. By their color.

Q. What time did the conservatives form into line and vote?—A. I cannot tell exactly, but I think about the middle of the afternoon.

Q. They came up in a separate line?—A. The white folks came up in a line by themselves. The colored people came up just behind them in their line.

Q. Did you know any of the conservatives?

(Objected to by contestee's counsel, because there was nothing regarding the names of conservatives and republicans brought out in the direct examination.)

A. I know some of them—Ed. Young, Willis Young, and others.

Q. What oath was administered to non-registered voters?

(Objected to by contestee's counsel.)

A. They were asked if they were registered, and swore they were, and something else, I don't remember. Some swore they were registered at Gainesville, some at Ocala, some at Archer, and some at other places.

Q. Were all these voters who were sworn allowed to vote?—A. Mr. Geiger turned some of them away.

Redirect examination:

Q. Were you or were you not elected as inspector of election in Albert McKinney's place by the majority of the people present before you were sworn as such inspector?

(Objected to by contestant's counsel.)

A. I was.

HENRY ^{his} + WASHINGTON.
mark.

Sworn to and subscribed before me on this 18th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Exhibit B, the precinct returns of Alachua County, Florida, as canvassed by the State board, and certified to by the secretary of state, offered in evidence by contestee's counsel.

(Objected to by contestant's counsel. Admitted and read in evidence.)

Deposition of Allen M. Jones.

ALLEN M. JONES, of Archer precinct, sworn for contestee, deposes and says :

Question. What is your name, and where do you reside?—Answer. Allen M. Jones. I reside in Alachua County, Florida.

Q. Where were you on the third (3d) day of November, A. D. 1874?—A. I was at Archer, Alachua County, Florida.

Q. Who were the inspectors of the congressional or general election held at Archer on that day?—A. Harmon Geiger, Henry Washington, and Green R. Moore.

Q. When and by whom were the inspectors of election held at Archer on that day sworn?—A. Sworn by me, Allen M. Jones, justice of the peace, at 8 o'clock in the morning of that day.

Exhibit A offered to the witness for identification.

(Objected to by contestant's counsel.)

Witness identified Exhibit A as the original oath of the inspectors of election administered to them by himself.

Q. Did or did not the several inspectors of said election take and subscribe said oath at the usual time of opening the polls?—A. They did.

Q. Who was clerk of election on that day?—A. A man by the name of Frank Coleman.

Exhibit C, which purports to be the original oath of the clerk of election held at Archer, November 3, A. D. 1874, offered in evidence by contestee's counsel.

(Objected to by contestant's counsel.)

Exhibit C read in evidence and offered to witness for identification.

Witness answers that Exhibit C is the original oath as taken and subscribed by the clerk of the election held at Archer precinct, on November 3, A. D. 1874, as administered by him as justice of the peace.

Q. Were or were not the electors, whose names did not appear upon the register, properly sworn before being allowed to vote?

(Objected to by contestant's counsel.)

A. Yes, they were. They were asked first how long they had lived in the State of Florida, and what were their names; how long they had been living in the county; if they had ever registered in the county, where and at what time; how old they were. The electors whose names were not found on the registration-list at Archer precinct took the oath found in section sixteen, acts of 1868, or Bush's Digest.

Q. Did or did not said sworn electors swear, in addition to said oath, that they were registered voters, and that their names had been improperly stricken from the registration-list?—A. They swore that they were registered.

Q. In what capacity did R. H. Black act at said election?—A. He was supervisor of the election.

Q. At what time did the election open and close at said precinct?—A. It opened at 8 o'clock a. m., and closed at sundown p. m.

Q. How and in what manner did the electors approach the polls at said election?—A. Very quiet and soberly; there was no fuss at all.

Q. Did or did not the electors form a line as they approached the polls?—A. They formed a line for the purpose of going up to the polls regularly.

Q. Had or had not the conservatives an equal chance to vote with the republicans?—A. Yes, they had. No one was hindered at all.

Q. Was or was there not any attempt on the part of the republicans to prevent or hinder the conservatives from voting?—A. No.

Q. Was there any intimidation used to prevent any one from voting?—A. No, there was none; everything was quiet.

Q. Did or did not R. H. Black swear any of the electors whose names did not appear in the registration-list used at that precinct?—A. He attempted to do so, but W. H. Geiger, one of the inspectors, objected to it. Then Colonel Saunders told him, Black, that he had no right to swear the electors, but let W. H. Geiger administer that oath read here to-night.

Cross-examined :

Q. Were you at the precinct all day?—A. Yes, sir.

Q. Were you inside or outside of the house?—A. I was outside until they called me in to administer the oath to the inspectors and clerk.

Q. Do you remember the oath administered?—A. I do not recollect the oath, but I read the oath to them from the book and the affidavit.

Q. Is the oath prescribed in section sixteen the oath which you read in the book and which you administered to the inspectors?

(Objected to by contestee's counsel.)

A. I did not administer the oath in the book to the inspectors.

Q. Did you administer any oath at all to the inspectors?—A. Yes.

Q. How did you administer it?—A. I read it from the affidavit marked "Exhibit A," and they took the oath by holding up their right hand and holding the bible in their left hand. All the inspectors and clerk took the oath in this way before the election commenced.

ALLEN M. JONES.

Sworn to and subscribed before me on this 18th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of Caesar Sweat.

CÆSAR SWEAT, of Gordon, Alachua County, being duly sworn, deposes and says :

Question. What is your name, and where do you reside?—Answer. My name is Cæsar Sweat; I reside in Gordon, Alachua County, Florida.

Q. Where were you on the 3d day of November, A. D. 1874?—A. I was in Gordon.

Q. What position, if any, did you hold at the congressional or general election held that day at said precinct?—A. I was inspector of election.

Q. Were or were not the electors whose names were not found upon the registration-list allowed to vote without being sworn?

(Objected to by contestant's counsel.)

A. They were not.

Q. Was or was not the clerk of election at Gordon precinct sworn?—A. He was sworn.

Cross-examined :

Q. Who were the other inspectors at that precinct?—A. Marcus Simmons and Frederick Roberts.

Q. What is the proper oath of an elector whose name is not found on the registration-list?

(Objected to by contestee's counsel.)

A. I do not recollect the oath exactly that was administered on that occasion.

Q. Do you remember the oath that was administered to the voters whose names were not found on the registration-list at that precinct?

(Objected to by contestee's counsel.)

A. They were asked their names; how long had they been in the State and county; had they been registered, and how old they were; that is all I remember of the oath at present.

Q. Who swore the non-registered voters at that precinct?—A. Frederick Roberts, one of the inspectors.

Q. Were there many there whose names were not found on the registration-list who were permitted to vote there?—A. There were not many.

Q. Who swore the inspectors and clerk there?—A. Mr. Kennard, a justice of the peace, swore me at Waldo, Fla.; Mr. Frederick Roberts swore Marcus Simmons and the clerk.

his
CÆSAR + SWEAT.
mark.

Sworn to and subscribed before me on this 18th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Exhibit D, a certified copy of the return of election of the county canvassers of Brevard County, Florida, certified to by the secretary of state, under the great seal of the State, offered in evidence by contestee's counsel.

(Objected to by contestant's counsel, on the ground that it is not in pursuit of notice given to contestant within the county of Alachua, and because it is not relevant, and because it is not proper to take testimony in regard to the election in Brevard County within the county of Alachua.)

Admitted, and read in evidence.

Exhibit E, a certified copy of the return of election of the county canvassers of Dade County, Florida, certified to by the secretary of state, under the great seal of the State, offered in evidence by the contestee's counsel.

(Objected to by contestant's counsel on the ground that it is not in pursuit of the allegations made by contestee in his answer, and because it is irrelevant thereto, and because it is not in pursuit of the notice to take testimony at Gainesville, within the county of Alachua, given by contestee to contestant, and does not appertain to the election in Alachua County.)

Deposition of Richard Hughes.

RICHARD HUGHES, of Archer, in Alachua County, being duly sworn, deposes and says:

Question. What is your name and where do you reside?—Answer.

Richard Hughes, and I live in Alachua County, Florida, second congressional district.

Q. Where were you on November 3, A. D. 1874?—A. I was at Archer precinct, Alachua County, Fla.

Q. What office, if any, did you hold at the general election held for member of Congress, &c., on that day?—A. I was United States deputy marshal.

Q. How was the election conducted as to fairness?

(Objected to by contestant's counsel.)

A. It was conducted fairly and squarely.

Q. Was or was there not any intimidation, or any attempted intimidation, by any person whatsoever?—A. There was none at all.

Cross-examination :

Q. Were you there all day?—A. I was there all day.

Q. How do you know there was no intimidation, or attempt at intimidation?—A. Because I did not see or hear any.

Q. Were there many persons there on the day of election?

(Objected to by contestee's counsel because it is not relevant, and because there was nothing about the number of persons present brought out in the direct examination.)

A. It seems to me as if there were.

Q. Where were you all day; were you at the polls, or some distance away?—A. I was near by the polls all day.

Q. While you were at the polls, could you see all the people about there?

(Objected to by contestee's counsel because it is not relevant.)

A. I think that I could see them.

Q. Could you hear everything that was said, both at the polls and all around the grounds?—A. Yes.

Q. Did you hear everything that was said, both at the polls and all over the election grounds, where the electors were that day?—A. Wherever they spoke loud enough to be heard, I heard them. Wherever they spoke above a whisper, I think I heard them.

RICHARD ^{his} + HUGHES.
mark.

Sworn to and subscribed before me on this 18th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of M. M. Lewey.

GAINESVILLE, FLA., October 19, 1875.

M. M. LEWEY, of Newnansville, Alachua County, Florida, being duly sworn, deposes and says in answer to contestee's interrogatories:

Question. What is your name and where do you reside?—Answer. M. M. Lewey. I reside in Newnansville, Alachua County, Florida.

Q. Where were you at on the 3d day of November, A. D. 1874?—A. At Newnansville, Florida.

Q. What position, if any, did you hold at the general or congres-

sional election held at that precinct on that day?—A. I was clerk of the polls on that day.

Q. Were the electors whose names were not found on the registration-list on that day, sworn before being permitted to vote?—A. To the best of my recollection, they were.

Q. Do you remember the oath administered to them?—A. I remember the substance of the oath, I think.

Q. State, if you can, what that oath was, or the substance of the oath.—A. Are you twenty-one years of age. A citizen of the United States, of the State of Florida. Are you entitled to vote at this election by previous registration. Are you not disqualified to vote at this election by any judgment of any court.

Q. Who were the inspectors of that election?—A. William Valentine, Thomas Simpson, and Henry C. Parker.

Q. Were the inspectors properly sworn?

(Objected to by contestant's counsel as tending merely to elicit the opinion of the witness.)

A. They were sworn in accordance with the prescribed oath set forth in the statutes of the State.

The certificate of the result of the precinct returns of the election at Newnansville, held November 3, A. D. 1874, offered in evidence, and handed to the witness for identification, and marked "Exhibit F."

(Objected to by contestant's counsel on the ground that he is not the proper custodian of the instrument, and not the proper witness to prove its contents.)

Q. Do you identify Exhibit F as being the original certificate of the inspectors of election of the result of the election held at Newnansville on November 3, A. D. 1874?

(Objected to by contestant's counsel, the witness not being first shown to be the proper legal custodian of the instrument.)

A. I do.

Q. How many votes did Josiah T. Walls receive for member of Congress, and how many did Jesse J. Finley receive for Representative in Congress?—A. Josiah T. Walls received two hundred and fifty-one (251) votes, and Jesse J. Finley received thirty votes, (30.)

Cross-examined :

Q. How long have you been a resident of Alachua County, Florida? (Objected to by contestee's counsel.)

A. Two years and better.

Q. How long had you been a resident of this State and county at the time of said election?—A. About thirteen months and more.

Q. Who swore the electors whose names were not found on the registration-list on that day?

(Objected to by contestee's counsel because there was nothing brought out in the direct examination as to who swore them.)

A. Henry C. Parker swore a great many of them; they were all sworn, however, by the inspectors.

Q. What did you do?—A. I performed the duties of clerk of the election.

Q. Did the performance of the duties of clerk occupy your whole time, or did you do anything else that day?

(Objected to by contestee's counsel on the ground of irrelevancy.)

A. I was absent about ten minutes by permission of the inspectors in a case of necessity, and my duties were such as to occupy my whole time.

Q. What oath was administered to the electors whose names were not found on the registration-list?—A. The substance of the oath runs about like this: Are you twenty-one years of age? Are you a citizen of the United States, and of the State of Florida? Are you entitled to vote at this general or congressional election by previous registration? Are you disqualified by the judgment of any court? The oath set out in section sixteen (16) of the act of 1868, was the oath administered to non-registered voters, and in addition they swore that they were previously registered.

Q. What party do you affiliate with?—A. The republican party.
W. M. LEWREY.

Sworn to and subscribed before me on this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of William Valentine.

WILLIAM VALENTINE, of Newnansville, in Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. William Valentine. I reside in Newnansville, Alachua County, Florida.

Q. Were you an inspector of election at the general election held at Newnansville, Florida, on the 3d day of November, A. D. 1874?—A. I was.

Q. Were or were not the electors whose names were not found on the registration-list sworn at that election before voting?—A. They were.

Cross-examined:

Q. Were you at the polls at that precinct all day?—A. I was.

Q. What did you do?—A. I received the votes.

Q. Did you swear the persons whose names were not found on the registration-list, and who offered to vote?—A. I did not swear them; Mr. Parker did. I received no votes except from persons that were sworn; of persons who were not registered.

Q. Did you look over the registration-list to see if persons were registered or not?

(Objected to by contestee's counsel.)

A. I did not, but Thomas Simpson, another inspector, did.

Q. What oath was administered to persons whose names were not found on the registration-list?

(Objected to by contestee's counsel.)

A. Are you twenty-one years of age? Have you been in the State one year, and in this county six months? Are you disqualified from voting by conviction of any court? That is all I can recollect at present—and are you qualified to vote at this election?

his
WILLIAM + VALENTINE.
mark.

Sworn to and subscribed before me on this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of Joseph W. Valentine.

JOSEPH W. VALENTINE, of Newnansville, in Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. My name is Joseph Valentine. I reside in Newnansville, Alachua County, Florida.

Q. Were you present at the general election held at Newnansville, Florida, on November 3, A. D. 1874?—A. I was.

Q. State whether or not the inspectors of the election at that place on that day were sworn.—A. They were sworn.

Q. Was or was not Henry C. Parker elected as one of the inspectors of that election by the electors?—A. He was.

Cross-examined:

Q. At what time was Henry C. Parker elected an inspector by the electors?—A. At about seven or eight or nine o'clock. I cannot say what time exactly.

Q. Had the election commenced when he was elected?

(Objected to by contestee's counsel, because nothing of the kind was brought out in the direct examination.)

A. It had.

Q. Had any votes been received? If so, how many?—A. I do not know exactly; there might have been about twenty.

Q. Who swore the inspectors?—A. I swore them.

Q. Were you one of the inspectors?—A. I was not. I was justice of the peace.

Q. What oath did you administer to them?—A. I do not remember the words of the oath. It was the oath that was with the papers sent out by the clerk in the ballot-box.

Q. Did you swear H. C. Parker in?—A. I cannot say positively, but I think I did. Wm. T. Richardson, one of the inspectors, was sick and could not serve.

Q. Are you a republican or conservative?—A. I am a republican.

JOSEPH W. VALENTINE.

Sworn to and subscribed before me on this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of W. K. Cessna.

W. K. CESSNA, of Gainesville, Alachua County, State of Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. My name is W. K. Cessna, and I reside in Gainesville, Alachua County, Florida.

Q. What official position do you occupy?—A. I occupy the position of judge of the county court.

Q. Did you occupy said official position at the time of the general election, held November 3, A. D. 1874?—A. I did.

Q. Are you or are you not the proper custodian of the returns of election of Alachua County?—A. I am the proper custodian of the

certificates of the result of elections held at the various precincts of the county.

Q. Do you or do you not recognize Exhibit F as the certificate of the result of the election held at Newnansville; and Exhibit G, as the certificate of the result of the election held at Micanopy; and Exhibit H, as the certificate of the result of the election held at precinct No. 3, at Gainesville; and Exhibit I, as the certificate of the result of the election held at Gordon; and Exhibit J, as the certificate of the result of the election held at Barnes's store; and Exhibit K, as the certificate of the result of the election held at Archer, Alachua County, Florida, on November 3, A. D. 1874?—A. Yes, they are the original certificates of the result of the election held at the said several precincts, returned to me by the inspectors of the election.

Cross-examined:

Q. Who returned to you the certificate of the result of the election held at Newnansville?—A. Joseph W. Valentine delivered it to me in person.

Q. Is he the Joseph W. Valentine who has been testifying this morning in this case?—A. He is.

Q. Who returned to you the certificate of the result of the election at Micanopy?—A. Allen M. Barber, one of the inspectors.

Q. Who returned to you the certificate of the result of the election at Gordon?—A. Cæsar Sweat, one of the inspectors, in person.

Q. Who returned to you the certificate of the result of the election at Archer?—A. I do not remember.

Q. Who returned to you the certificate of the result of the election at Barnes's store?—A. L. A. Barnes, one of the inspectors.

Q. Who returned to you the certificate of the result of the election at precinct No. 3, Gainesville?—A. W. H. Belton delivered it to me in person. He was clerk of the court.

Q. Have these precinct returns, or any of them, been out of your custody at any time since they were delivered?—A. They were used by the board of county canvassers, about two days ago. I took them out of my safe and delivered them to Mr. Austin for examination.

Q. Were you one of the board of county canvassers?—A. I was.

W. K. CESSNA.

Sworn to and subscribed before me on this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of William Trapp.

WILLIAM TRAPP, of Barnes's Store precinct, in Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. My name is William Trapp; I reside at Barnes's Store precinct, in Alachua County, Florida.

Q. Were you at that precinct on the day of the general election, held November 3, A. D. 1874?—A. I was.

Q. Who were the inspectors of election at that precinct?—A. L. A. Barnes, Isaac Sinclair, and James Robinson.

Q. Were or were not the inspectors and clerk of that election sworn, and by whom?—A. They were, by L. A. Barnes, who was one of the inspectors.

Cross-examination:

Q. When were the clerk and inspectors of that election sworn by L. A. Barnes?—A. At eight o'clock in the morning.

Q. Who swore L. A. Barnes; was he sworn?—A. I do not know whether he was or not.

Q. Were the clerk and inspectors who were sworn sworn before the election commenced?—A. They were.

Q. How were they sworn?—A. By raising their right hand and taking the oath that they would conduct the election according to law.

Q. Do you remember the form of the oath administered to the clerk and inspectors?

A. I think I do, some of it.

Q. What is it?—A. They were asked their ages, whether they were citizens of the United States, and whether they would proceed the election according to law; I do not remember whether the oath was administered to the inspectors in this way or not.

Redirect:

Q. What do you mean by the word "proceed," as used in your last answer?—A. To conduct the election according to law.

Q. Can you remember the substance of the oath administered to the inspectors?—A. I do not remember the substance of the oath administered to the inspectors.

WILLIAM TRAPP.

Sworn to and subscribed before me on this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of Allen B. Barber.

ALLEN B. BARBER, of Micanopy, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. Allen B. Barber; I reside in Micanopy, Alachua County, Florida.

Q. Were you at Micanopy, at the time of the general election held there on November 3, A. D. 1874?—A. I was.

Q. What position, if any, did you hold there on that day?—A. I was inspector of the election.

Q. State whether or not the electors whose names were not found on the registration-list were sworn before being permitted to vote.—A. All were sworn.

Cross-examined:

Q. Who swore those electors whose names were not found on the registration-list?—A. J. H. Stokes.

Q. What was the oath administered to them?—A. "Will you solemnly swear that you are a legal registered voter of the State of Florida?" The answer was, they were, and I have forgotten the balance of the oath.

Redirect:

Q. Would you remember that oath if you should hear it read?—A. I think I should.

Q. Is the oath prescribed in section sixteen, (16,) act of 1868, or Bush's Digest, the oath they took before being allowed to vote?—A. Yes.

Q. Whether or not did those persons swear in addition to that oath that their names had been improperly left off of the registration-list?

(Objected to by contestant's counsel on the ground that it puts the answer in the witness's mouth.)

A. They did swear it.

ALLEN BARBER.

Sworn to and subscribed before me on this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of John B. Brooks.

JOHN B. BROOKS, of Gainesville, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name and where do you reside?—Answer. John B. Brooks, and I reside in this place, Gainesville.

Q. Were you in Gainesville at the general election held there November 3, A. D. 1874?—A. I was.

Q. What position, if any, did you hold at that election?—A. I was clerk of election of precinct number three, (3.)

Q. Did the persons opposite whose names the words "not registered" were written on the poll-books take the ordinary oath before being permitted to vote?—A. They did.

Q. Do you recollect the substance of that oath?—A. I do not think I do exactly, but I think I could come pretty near it.

Q. Would you recognize the oath, were you to hear it read, that was administered to persons whose names were not found on the registration-list?

(Contestant objects to the question and to the reading of the oath.)

A. I think I would.

(Witness recognizes the oath contained in section (16) sixteen, act of 1868, or Bush's Digest, as the oath administered to electors whose names did not appear on the registration-list.)

Q. Did or did you not, as clerk of election at said precinct, keep a poll-list?—A. I did.

Q. What became of that poll list?—A. It was placed in the box at the close of the election.

Q. Were or were not you present at the county canvass of the returns of the general election held November 3, A. D. 1874?—A. I was for a few minutes. I was called on to prove the poll-list which was kept by me of precinct No. 3.

Q. Was or was not the poll-list which was shown you by the county canvassers the identical poll-list kept by you as clerk of election of precinct No. 3, Gainesville?—A. It was.

JOHN B. BROOKS.

Sworn to and subscribed before me on this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of Lawrence E. Chestnut.

LAWRENCE E. CHESTNUT, of Gainesville, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. My name is Lawrence E. Chestnut, and I reside in Gainesville, Alachua County, Florida.

Q. Were you in Gainesville on the day of the general election held November 3, A. D. 1874?—A. I was.

Q. What position, if any, did you hold at that election?—A. I was inspector of precinct No. 3.

Q. Did the electors opposite whose names the words "not registered" were written take the ordinary oath before being allowed to vote?—A. They did.

Q. Do you remember the substance of the oath?—A. Yes.

Q. What is it?—A. That they were twenty-one years of age; that they were registered voters; that they were citizens of the United States; that they had not voted at any other place or precinct at said election. I recollect nothing further.

Q. Was there a poll-list kept at that election?—A. Yes; there was.

Q. By whom was the poll-list kept?—A. By J. B. Brooks.

Q. What position did J. B. Brooks occupy?—A. He was clerk of said precinct.

Cross-examined:

Q. Were you present at that precinct all day?—A. I was.

Q. Did you hear the oath administered to every non-registered voter?—A. I did.

Q. Who administered the oath to the persons who were not registered and who voted at that precinct on that day?—A. M. E. Papy.

Q. Did he administer it to all of them?—A. He did.

L. E. CHESTNUT.

Sworn to and subscribed before me this 19th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

GAINESVILLE, FLORIDA,
October 20, 1875—10 a. m.

A certified copy of the oath of the clerk of the election at Gordon precinct, held November 3, A. D. 1874, offered and read in evidence, and marked "Exhibit L."

(Objected to by contestant's counsel.)

Deposition of M. E. Papy.

M. E. PAPY, of Gainesville, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. M. E. Papy, and I reside in Gainesville, Alachua County, Florida.

Q. Were you in Gainesville at the general election, held there on November 3, A. D. 1874?—A. I was.

Q. What position, if any, did you hold in that election?—A. I was inspector of election at precinct No. 3.

Q. Did or did not the persons who had the words "not registered" written opposite their names on the poll-list take the ordinary oath administered to electors whose names had been left off the registration-list before being permitted to vote?—A. I administered an oath to them. I do not know whether it was the proper oath or not, but presume it was. My intentions were to carry on a fair election.

Q. What was the substance of that oath?—A. I varied in the wording of the oath, but not in the substance. The general average of the oath was, "Are you twenty-one years of age; do you live in Alachua County, State of Florida; have you voted at any other precinct at this election?" That is about the substance of the oath that I administered.

Q. Was there a poll-list kept at that election?—A. Yes.

M. E. PAPY.

Sworn to and subscribed before me on this 20th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

A certified copy of the list of voters at Newnansville precinct, whose names were not found on the registration-list used at an election held at Newnansville, Fla., on November 3, A. D. 1874, offered in evidence by contestee's counsel, marked "Exhibit M."

(Objected to by contestant's counsel; admitted and read in evidence.)

Deposition of Benjamin Rush.

BENJAMIN RUSH, of Gainesville, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. Benjamin Rush. I reside in Gainesville, Alachua County, Florida.

Q. Were you at the general election held at Gainesville, Fla., in November 3, A. D. 1874?—A. I was.

Q. What official position, if any, did you occupy at that election?—A. I was United States supervisor of election at precinct No. 3.

Q. Were or were not the electors whose names did not appear upon the registration-list sworn before being permitted to vote?—A. They were.

Q. What was the substance of the oath?—A. It was the usual oath: That they were twenty-one years old, and citizens of the United States; that they had resided in this State a year, and in this county six months; that they had been previously registered. And, in addition, they were sworn that they were not disqualified by conviction of felony. I do not recollect who administered the oath; I think one of the inspectors.

Cross-examined:

Q. Did every one of those whose names were not found on the registra-

tion and who were permitted to vote swear that they had been previously registered?—A. Every one did.

Q. How is it you remember so particularly that they swore that they had been registered when you do not recollect who administered the oath?—A. I cannot assign any reason but from memory only.

BENJ. RUSH.

Sworn to and subscribed before me on this 20th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of Wm. H. Belton.

W. H. BELTON, of Gainesville, Alachua County, Florida, being duly sworn, deposes and says :

Question. What is your name, and where do you reside?—Answer. W. H. Belton. Gainesville, Alachua County, Florida, is my place of residence.

What official position do you hold, and how long have you held it?—A. I am clerk of the circuit court of Alachua County, Florida. I have held the position since the 7th or 8th of April, A. D. 1874.

Q. Are you or not the lawful custodian of the precinct returns of elections held in Alachua County, Florida?—A. I am.

Q. Is or is not Exhibit B true and certified copies of the precinct returns, which they upon their face purport to be, of a general election held in Alachua County, Florida, on November 3, 1874?—A. They are true copies.

Pending the examination of W. H. Belton, the court adjourned until 10 o'clock a. m., November 21, A. D. 1875.

W. H. BELTON.

Sworn to and subscribed before me this 22d day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of L. A. Barnes.

GAINESVILLE, FLA., October 21, 1875.

L. A. BARNES, of Gainesville, Alachua County, Florida, being duly sworn, deposed and says :

Question. What is your name, and where do you reside?—Answer. L. A. Barnes, and I reside at Gainesville, Fla.

Q. Were you at Barnes's Store precinct, at the general election held there on November 3, A. D. 1874?—A. I was.

Q. What position, if any, did you occupy that day?—A. Inspector of election.

Q. Were the inspectors of election at that precinct sworn, and by whom were they sworn?—A. I was sworn by W. H. Belton, clerk of circuit court, and I swore the other two.

Cross-examined :

Q. Who administered the oath to you, and when, and where ?—A. W. H. Belton, clerk of the circuit court at Gainesville, Fla., on November 2, A. D. 1874.

Q. What was the oath administered to you ?—A. I do not recollect.

Q. At that precinct who were the other inspectors, and how did you swear them ?—A. Isaac Sinclair and James Robinson, and I swore them in the usual manner.

L. A. BARNES.

Sworn to and subscribed before me this 21st day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Gainesville, Alachua County, Florida.

Deposition of J. H. Stokes.

GAINESVILLE, FLA., October 22, A. D. 1875.

J. H. STOKES, of Micanopy, Alachua County, Florida, being duly sworn, deposes and says :

Question. What is your name, and where do you reside ?—Answer. My name is J. H. Stokes ; I reside in Micanopy, Alachua County, Florida.

Q. Were you at that precinct at the general election held there on November 3, A. D. 1874 ?—A. I was.

Q. What position, if any, did you hold at that election ?—A. I was inspector, and took in the votes.

Q. Were the persons whose names did not appear upon the registration-list sworn before being permitted to vote ?—A. They were.

Cross-examined :

Q. Who administered the oath to non-registered voters ?—A. I did.

Q. Do you recollect the oath which you administered to persons whose names were not found on the registration-list, who were permitted to vote at that precinct ?—A. " You do solemnly swear that you are twenty-one years of age, that you are a citizen of the United States, (or that you have declared your intention to become a citizen of the United States, according to acts of Congress on the subject of naturalization ;) that you have resided in this State one year, and in this county six months, next preceding this election ; that you have not voted at this election, and that you are not disqualified to vote by the judgment of any court." The above is the substance of the oath ; all of it was not administered every time.

Q. About how many were thus permitted to vote ?—A. I should think about one-fourth of all who voted at the precinct.

Q. About what time were the polls opened ?

(Objected to by contestee's counsel, for the reason that it did not come out in the direct examination.)

A. About half past nine o'clock.

J. H. STOKES.

Sworn to and subscribed before me this 22d day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of George Washington.

GEORGE WASHINGTON, of Gainesville, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. George Washington, and I reside in Gainesville, Alachua County, Florida.

Q. Were you at Gordon precinct, at a general election held there on November 3, A. D. 1874?—A. I was.

Q. What position, if any, did you hold at that election on that day?—A. I was supervisor.

Q. Were or were not the clerk and inspectors of that election sworn?—A. They were.

Q. Were the electors whose names were not found on the registration-list sworn before being permitted to vote?—A. They were sworn.

Cross-examined:

Q. Which party did you affiliate with in that election?—A. Republican.

GEORGE WASHINGTON.

Sworn to and subscribed before me this 22d day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of W. Porter.

W. PORTER, of Gainesville, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. W. Porter, and I reside at Gainesville, Alachua County, Florida.

Q. Were you at Archer precinct, at the general election held there on November 3, A. D. 1874?—A. I was.

Q. Were or were not the officers of that election sworn?—A. I think they were.

Q. What arrangement was made for voters to get to the polls?—A. They voted at a window, passing between the window and a small stand or partition erected at a short distance from the window.

Q. Do you know of anything that prevented any of the electors from having an equal chance to vote at that election on that day?—A. I do not. They could not vote readily without passing up to the polls in regular order and in line.

Q. Was there any attempt at intimidation, to your knowledge?—A. I saw nor heard none on either side.

Q. State at what time the polls were opened and closed.—A. They were opened about half past 8 o'clock a. m., and closed at sundown, as near as I can recollect. The officers of the election met at the polls, I think, about 8 o'clock, but waited some time for one of the inspectors; as he did not come, another was put in his place and the business of election proceeded.

Cross-examined:

Q. Was there any confusion at the polls that day?—A. None that I saw or heard, more than the ordinary confusion at elections.

Q. Were there a great many people there that day?—A. There were quite a large number, mostly colored.

W. PORTER.

Sworn to and subscribed before me this 22d day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

Deposition of C. H. Crisman.

C. H. CRISMAN, of Micanopy, Alachua County, Florida, being duly sworn, deposes and says:

Question. What is your name, and where do you reside?—Answer. C. H. Crisman. I reside at Micanopy, Alachua County, Florida.

Q. What official position did you hold at an election held at Micanopy precinct November 3, A. D. 1874, for member of Congress in the second congressional district of Florida?—A. I was inspector.

Q. Were or were not the names of some of the electors who were sworn at said election afterwards found on the registration-list; and, if so, how many?—A. I should think about three-fourths of those that were sworn were found afterwards.

Cross-examined:

Q. How many registration-lists did they have at that precinct; did they have both the unrevised and the revised?—A. They had a printed list and a written one.

Redirect:

Q. Was the written list an additional list to the printed list?
(Objected to by contestant's counsel.)

A. Yes; I should say it was.

C. H. CRISMAN.

Sworn to and subscribed before me this 22d day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public in Alachua County, Florida.

GAINESVILLE, FLA., October 23, A. D. 1875.

Exhibit A, certified copies of affidavits of the several officers of an election held November 3, A. D. 1874, for Representative in Congress of the second congressional district of Florida, offered in evidence by contestee's counsel.

Objected to by contestant's counsel on the ground that proof by affidavits *ex parte* not admissible, because contestant would thereby be deprived of the right of cross-examination, and because said affidavits are conjectural and immaterial.

Admitted in evidence because said affidavits were used as part of the returns before the county canvassers, being a part of the files in the clerk's office that could be transmitted to the committee at Washington in no other manner than by certified copies.

EXHIBIT A.

Oath to be taken by the inspectors before opening election.

STATE OF FLORIDA,
Alachua County:

We, the undersigned, W. H. Geiger, Green R. Moore, and Henry Washington, inspectors of an election held at Archer Station, in the county of Alachua, and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, do solemnly swear that we will perform the duties of inspectors of the before-mentioned election according to law, and that we will endeavor to prevent all fraud, deceit, and abuse in conducting the same.

W. H. GEIGER,
Inspector of Election.

G. R. MOORE,
Inspector of Election.

HENRY ^{his} + WASHINGTON,
_{mark.}
Inspector of Election.

Sworn to and subscribed before me this third day of November, A. D. 1874.

ALLEN M. JONES,
Justice of the Peace.

N. B.—The above oath must be taken by the inspectors previous to receiving any votes.

It may be taken before any officer authorized to administer oaths.

It must be returned with the poll-list and the returns of the election to the clerk of the circuit court.

EXHIBIT B.

Certificate of the result of election.

To be signed by inspectors and clerk of election.—(See section 23 of the general election-law.)

STATE OF FLORIDA,
Alachua County:

We, the undersigned inspectors and clerk of an election, held at Gainesville, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify the result of the said election was as follows, viz:

For Representative in Congress, Josiah T. Walls received two hundred and twenty-nine (229) votes; Jesse J. Finley received nine (9) votes.

For member of the assembly, George Washington received two hundred and twenty-three (223) votes; T. E. Gass received two hundred and twenty-three (223) votes.

A. D. Mays received nine (9) votes.

John W. Raymond received nine (9) votes.

R. Y. H. Thomas received one (1) vote.

For constable, Jack Everett received one hundred and twenty-two, (122.)

R. L. Wilson received nine (9) votes.

B. C. Drake received three (3) votes.

A. D. Mays received four (4) votes.

J. W. Raymond received three (3) votes.

L. G. Dennis received three (3) votes.

S. J. Burnett received two (2) votes.

July McManus received one (1) vote.

Witness our hands at Gainesville, (No. 2,) in the county aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

R. E. SHRIVERY,
Inspector of Election.

(Signed)

G. K. BROOME,
Inspector of Election.

(Signed)

S. T. HALLIDAY,
Inspector of Election.

(Signed)

R. B. WASSON,
Clerk of Election.

STATE OF FLORIDA, *Alachua County* :

I, W. H. Belton, clerk circuit court for county and State aforesaid, do hereby certify that the foregoing is a true and correct copy of the returns of election from Newnanville precinct, now on file in my office, as furnished by the inspectors of said election.

Witness my hand and the seal of said court, this 14th November, 1874.

[SEAL.] (Signed)

W. H. BELTON,
Clerk Circuit Court.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, *Alachua County* :

We, the undersigned, inspectors and clerk of an election, held at Gainesville, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify the result of the said election was as follows, viz:

For Representative in Congress, Josiah T. Walls received two hundred and seven (207) votes.

Jesse J. Finley received sixteen (16) votes.

For member of the assembly, Theodore C. Gass received two hundred (200) votes.....	200
George Washington received one hundred and ninety-nine (199) votes.....	199
John W. Raymond received twenty-one (21) votes.....	21
Andrew D. Mays received nineteen (19) votes.....	19
Robt. Y. H. Thomas received one (1) vote.....	1
For constable, Jack Elliot received one hundred and twenty-five (125) votes	125
Richard L. Wilson received fifteen (15) votes.....	15
Leonard G. Dennis received two (2) votes.....	2
John W. Raymond received two (2) votes.....	2
B. C. Drake received two (2) votes.....	2
A. D. Mays received two (2) votes.....	2
Lawrence Chenent received one (1) vote.....	1
W. H. Cessna received one (1) vote.....	1

Witness our hands, at Gainesville, in the county aforesaid, this 3^d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

M. C. PAPY,
Inspector of Election.

(Signed)

W. H. BALTZELL,
Inspector of Election.

(Signed)

L. E. CHESNUT,
Inspector of Election.

(Signed)

JOHN. B. BROOKS,
Clerk of Election.

STATE OF FLORIDA,
Alachua County :

I, W. H. Belton, clerk of the circuit court in and for the fifth judicial circuit, and county of Alachua, of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct return of Gainesville precinct, now on file in my office, as received from the inspector of said precinct.

Witness my hand and the seal of said court, this 14th day of November, A. D. 1874.

[SEAL.] . (Signed)

W. H. BELTON,
Clerk of the Circuit Court, Alachua County, Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA,
Alachua County :

We, the undersigned, inspectors and clerk of an election held at Gainesville, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled “An act to provide for the registration of electors and the holding of elections,” approved August 6, 1868, and an act amendatory thereto, approved February 19 1870, do hereby certify the result of the said election was as follows, viz

For Representative in Congress, Josiah T. Watts received one hundred and six (106) votes	106
Jesse J. Finley received one hundred and sixty-five (165) votes	165
For member of the assembly Geo. Washington received one hundred and four (104) votes	104
Theodore C. Gess received one hundred and seven (107) votes.....	107
John W. Raymond received one hundred and forty-five (145) votes.	145
Andrew D. Mays received one hundred and twenty-two (122) votes.	122
John B. Dell received (2) votes.....	2
For constable, Richard Wilson received one hundred and forty (140) votes	140
Jack Elliot received sixty-eight (68) votes.....	68
William L. McCormick received one (1) vote.....	1
H. C. Irish received two (2) votes.....	2
Samuel I. Bennett received two (2) votes.....	2

Witness our hands at Gainesville, (No. 8,) in the county aforesaid this day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

JOHN S. BANKS,
Inspector of Election.

(Signed)

NATHAN GAINES,
Inspector of Election.

(Signed)

BOIKIN MURRAY,
Inspector of Election.

(Signed)

B. W. FONTAIN,
Clerk of Election.

STATE OF FLORIDA,
Alachua County :

I, W. H. Belton, clerk of the circuit court in and for the fifth judicial circuit and county of Alachua, of the State of Florida, do hereby certify that the above is a true and correct copy of the precinct return of Gainesville precinct, now on file in my office, as received from the inspector of said precinct.

Witness my hand and the seal of the said court this 14th day of November, A. D. 1874.

[SEAL.] (Signed)

W. H. BELTON,
Clerk of Circuit Court, Alachua Co., Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA,
Alachua County :

We, the undersigned, inspectors and clerk of an election held at Liberty Hill, in the county of Alachua, and State aforesaid, on the third day of November, in the year of our lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved Feb-

ruary 19, 1870, do hereby certify the result of the said election was as follows, viz :

For Representative in Congress, Josiah T. Walls received (31) thirty-one votes..... 31
 Jessie J. Finley received (7) seven votes..... 7
 For members of the assembly, Theodore C. Gass received (23) twenty-three votes..... 23
 George Washington received (23) twenty-three votes..... 23
 John W. Raymond received (14) fourteen votes..... 14
 Andrew D. Mays received (14) fourteen votes..... 14
 For constable, Ben. Cooper received (1) one vote ; Jack Elliot received two (2) votes.

Charles Nuckels received one (1) vote.

Witness our hands at Liberty Hill, in the county aforesaid, this day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

S. C. BEVIL,
Inspector of Election.

(Signed)

BARCUS JOHNSON,
Inspector of Election.

(Signed)

GEORGE BROWN,
Inspector of Election.

(Signed)

B. C. DRAKE,
Clerk of Election.



STATE OF FLORIDA,
Alachua County :

I, W. H. Belton, clerk of the circuit court, in and for the fifth judicial circuit, and county of Alachua, of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct returns of Liberty Hill precinct, now on file in my office, as received from the inspectors of said precinct.

Witness my hand and the seal of said court, this 14th day of November, A. D. 1874.

[SEAL.] (Signed)

W. H. BELTON,
Clerk of Circuit Court, Alachua County, Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA,
Alachua County :

We, the undersigned, inspectors and clerk of an election held at Archer, in the county of Alachua, and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6; 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify the result of the said election was as follows, viz :

For Representative in Congress, Josiah T. Walls received two hundred and ninety-three (293) votes ; Jessie J. Finley received twenty-five (25) votes.

For members of the assembly, George Washington received two hundred and eighty-two (282) votes.

T. C. Gass received two hundred and eighty-two (282) votes.

J. W. Raymond received sixteen votes (16) votes.

Andrew D. May received seven (7) votes.

Jno. B. Dell received fifteen (15) votes.

Witness our hands at Archer, in the county of Alachua aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

his
HENRY + WASHINGTON,
mark.
Inspector of Election.

(Signed)

W. H. GEYER,
Inspector of Election.

(Signed)

G. R. MOOR,
Inspector of Election.

(Signed)

F. M. COLEAN,
Clerk of Election.

STATE OF FLORIDA,
Alachua County :

I, W. H. Belton, clerk circuit court in and for the fifth judicial circuit and county of Alachua, of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct returns of Archer precinct, now on file in my office, as received from the inspectors of said precinct.

Witness my hand and the seal of said court, this fourteenth day of November, A. D. 1874.

[SEAL.] (Signed)

W. H. BELTON,
Clerk Circuit Court Alachua County, Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA,
Alachua County :

We, the undersigned, inspectors and clerk of an election held at Waldo, in the county of Alachua, and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify the result of the said election was as follows, viz :

For Representative in Congress, J. I. Finley received ninety-four (94) votes.

J. T. Wallis received thirty-six (36) votes.

For members of the assembly, George Washington received seventy-five (75) votes.

T. C. Gass received seventy-five (75) votes.

F. W. Raymond received ninety-two (92) votes.

Andrew D. Mayo received forty-one (41) votes.

John B. Dell received forty-nine (49) votes.

For constable, William Neys received one (1) vote.

Witness our hands at Waldo, in the county aforesaid, this 3d day of

November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

H. RAULESON,
Inspector of Election.

(Signed)

ELIAS GAIL,
Inspector of Election.

(Signed)

M. Q. CHEEBER,
Inspector of Election.

(Signed)

ROBT. W. CAMPBELL,
Clerk of Election.

STATE OF FLORIDA,
Alachua County :

I. W. H. Belton, clerk of the circuit court in and for the fifth judicial circuit, and county of Alachua, of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct returns of Waldo precinct, now on file in my office, as received from the inspectors of said precinct.

Witness my hand and the seal of said court, this fourteenth day of November, A. D. 1874.

[SEAL.] (Signed)

H. W. BELTON,
Clerk Circuit Court Alachua County, Fla.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-laws.]

STATE OF FLORIDA, *Alachua County :*

We, the undersigned, inspectors and clerk of an election held at Newnanville, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify the result of the said election was as follows, viz :

For Representative in Congress—Josiah T. Walls and Jesse Finley. Received, for Walls, two hundred and fifty-one, (251 ;) for Finley, thirty, (30.)

For member of the assembly: For George Washington, two hundred and forty-six, (246 ;) T. C. Gass, two hundred and forty-eight, (248;) J. W. Raymond, nine, (9 ;) John B. Dell, two, (2;) A. D. Mayo, five, (5.)

For constable: P. H. Valentine received eighty-six, (86 ;) David Clark received one hundred and fifty-five, (155 ;) N. F. Malphus received twelve, (12.)

Witness our hands at Newnanville, in the county aforesaid, this third day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

WILLIAM VALENTINE, *Chair,*
Inspector of Election.

(Signed)

THOMAS SIMPSON,
Inspector of Election.

(Signed)

HENRY C. PARKER,
Inspector of Election.

(Signed)

M. M. LEWEY,
Clerk of Election.

STATE OF FLORIDA, *Alachua County* :

I, W. H. Belton, clerk of the circuit court for county and State aforesaid, do hereby certify that the foregoing is a true and correct copy of the returns from the precinct at Newnanville, as furnished by the inspectors of election at said precinct.

Witness my hand and the seal of said court, this the 14th day of November, 1874.

[SEAL.] (Signed)

W. H. BELTON,
Clerk Circuit Court.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA,
Alachua County :

We, the undersigned, inspectors and clerk of an election held at Barnes' store, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6th, 1868, and an act amendatory thereto, approved February 19th, 1870, do hereby certify the result of the said election was as follows, viz:

For Representative in Congress, Josiah T. Walls received one hundred and twenty-five votes, (125;) Jessie J. Finley received sixty-five votes, (65.)

For member of the assembly, George Washington received one hundred and twenty-five votes, (125;) Theo. C. Gass received one hundred and twenty-two votes, (122;) J. W. Raymond received sixty-three votes, (63;) A. D. Mayo received fifty-five votes, (55;) J. B. Dell received five votes, (5.)

For constable, David Clark received one hundred and eight votes, (108;) Flem Mickens received seventy-nine votes, (79;) Malphus one vote, (1;) Milligan Heuist, one vote, (1.)

Witness our hands, at Barnes' store, in the county aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

J. A. BARNES,
Inspector of Election.

his
JAMES + ROBINSON,
mark.
Inspector of Election.

his
ISAAC + SINCLAIR,
mark.
Inspector of Election.

C. H. F. THOMPSON,
Clerk of Election.

STATE OF FLORIDA,
Alachua County :

I, W. H. Belton, clerk of the circuit court in and for the fifth judicial circuit and county of Alachua of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct returns of

Barnes' store precinct, now on file in my office, as received from the inspectors of said precinct.

Witness my hand and the seal of said court, this day of November, A. D. 1874.

[SEAL.]

(Signed)

W. H. BELTON,
Clerk Circuit Court, Alachua County, Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA,
Alachua County:

We, the undersigned, inspectors and clerk of an election held at Wacassassa, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6th, 1868, and an act amendatory thereto, approved February 19th, 1870, do hereby certify the result of the said election was as follows, viz:

For Representative in Congress, received, Jessie J. Finley, forty-five; received, Josiah T. Walls,

For member of assembly, received, John B. Dell, forty-five; received, James M. Sparkman, forty-five.

For constable, received James A. Brock, forty-five.

Witness our hands, at Wacassassa, in the county aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

M. D. COLOON,

Inspector of Election.

SIMON SHEFFIELD,

Inspector of Election.

DANIEL D. FAIRCLOTH,

Inspector of Election.

ANDREW J. WEEKS,

Clerk of Election.

STATE OF FLORIDA,
Alachua County:

I, W. H. Belton, clerk of the circuit court in and for the fifth judicial circuit and county of Alachua of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct returns of the precinct of Wacassassa, now on file in my office, as received from the precinct inspectors.

Witness my hand and the seal of said court, this 14th day of November, A. D. 1874.

[SEAL.]

(Signed)

W. H. BELTON,
Clerk Circuit Court, Alachua County, Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA,

Alachua County :

We, the undersigned, inspectors and clerk of an election held at Cow Creek, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for registration of electors and the holding of elections," approved August 6th, 1868, and an act amendatory thereto, approved February 19th, 1870, do hereby certify the result of the said election was as follows, viz :

For Representative in Congress, Jessie J. Finley received forty-nine votes, (49;) J. T. Walls received none.

For member of the assembly, J. W. Raymond received forty-one votes, (41;) A. D. Mayo received twenty-nine votes, (29.)

For constable, C. Loper received forty-nine votes, (49.)

Witness our hands at Cow Creek, in the county aforesaid, this third day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

WESLEY HINES,
Inspector of Election.

(Signed)

F. N. POLK,
Inspector of Election.

(Signed)

JAS. K. SHEFFIELD,
Inspector of Election.

(Signed)

C. O. BAILEY,
Clerk of Election.

STATE OF FLORIDA, *Alachua County :*

I, W. H. Belton, clerk of the circuit court in and for the 5th judicial circuit and county aforesaid of the State of Florida, do hereby certify that the above is a true and correct copy of the precincts return of Cow Creek precinct, now on file in my office, as received from the inspectors of said precinct.

Witness my hand and seal of said court, this the 14th day of November, A. D. 1874.

[SEAL.] (Signed)

W. H. BELTON,
Clerk of Circuit Court, Alachua Co., Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, *Alachua County :*

We, the undersigned, inspectors and clerk of the election, held at Micanopy, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors, and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved

February 19, 1870, do hereby certify the result of the said election was as follows, viz :

For Representative in Congress, Jessie J. Finley received eighty-three votes, (83;) Josiah T. Walls received one hundred and thirty-two votes, (132.)

For member of the assembly, J. W. Raymond received twenty-seven votes, (27;) A. D. Mayo received twenty votes, (20;) George Washington received one hundred and twenty-seven votes, (127;) T. C. Gass received one hundred and twenty-six votes, (126;) J. H. Stokes received one (1) vote.

For constable, Joe Adams received five (5) votes; Sluford received one (1) vote.

Witness our hands at Micanopy, in the county aforesaid, this day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

J. H. STOKES,
Inspector of Election.

(Signed)

ALLEN BARBER,
Inspector of Election.

(Signed)

C. H. CUSMAN,
Inspector of Election.

(Signed)

LEVI P. S. PARDEE, M. D.
Clerk of Election.

STATE OF FLORIDA, *Alachua County :*

I, W. H. Belton, clerk of the circuit court in and for the 5th judicial circuit and county of Alachua of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct returns of Micanopy precinct, now on file in my office, as received from the inspectors of said precinct.

Witness my hand and the seal of said court, this 14th day of November, A. D. 1874.

[SEAL.] (Signed)

W. H. BELTON,
Clerk Circuit Court, Alachua County, Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, *Alachua County :*

We, the undersigned, inspectors and clerk of an election held at Gordon, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify the result of the said election was as follows, viz:

For Representative in Congress, Josiah T. Walls received eighty-six (86) votes; Jessie J. Finley received sixty-six (66) votes.

For member of the assembly, J. W. Raymond received seventy-two (72) votes; Andrew D. Mayo received sixty (60) votes; John B. Dell re-

ceived seven (7) votes; George Washington received eighty (80) votes; Theodore C. Gass received eighty (80) votes.

For constable, William Malphurs received thirty (30) votes; Frank Harrison received eighty (80) votes; Henry Priest received ten (10) votes.

Witness our hands, at Gordon, in the county aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

FREDERICK ROBERTS,
Inspector of Election.

^{his}
CÆSAR + SWENT,
^{mark.}

Inspector of Election.
MARCUS SIMMONS,
Inspector of Election.
TRUEMAN DOAN,
Clerk of Election.

STATE OF FLORIDA, *Alachua County* :

I, W. H. Belton, clerk of the circuit court in and for the fifth judicial circuit and county of Alachua, of the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct return of Gordon precinct, now on file in my office, as received from the inspectors of said precinct.

Witness my hand and the seal of said court, this 14th day of November, A. D. 1874.

[SEAL.]

W. H. BELTON,
Clerk Circuit Court, Alachua County, Florida.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, *Alachua County* :

We, the undersigned, inspectors and clerk of an election held at Orange Creek, in the county of Alachua and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify the result of the said election was as follows, vis:

For Representative in Congress, Jessie J. Finley received one hundred and two votes, (102;) Josiah T. Walls received seventy-one votes, (71.)

For members of the assembly, J. W. Raymond received ninety-nine votes, (99,) George Washington received seventy-one votes, (71,) Theodore C. Gass received seventy-one votes, (71,) Andrew D. Mayo received ninety-six votes, (96.)

For constable, _____ received _____ votes.

Witness our hands, at Orange Creek, in the county aforesaid, this 3d

day of November, in the year of our Lord one thousand eight hundred and seventy-four.

J. C. BROWN,
Inspector of Election.
 BEN SMITH,
Inspector of Election.
 CALVIN WAITS,
Inspector of Election.
 T. MANLY CAUTHER,
Clerk of Election.

STATE OF FLORIDA, *Alachua County :*

I, W. H. Belton, clerk of the circuit court in and for the fifth judicial circuit and county of Alachua, in the State aforesaid, do hereby certify that the above is a true and correct copy of the precinct return of Orange Creek precinct now on file in my office as received from the precinct inspectors.

Witness my hand and the seal of said court this 14th day of November, A. D. 1874.

[SEAL.]

W. H. BELTON,
Clerk Circuit Court Alachua County, Florida.

STATE OF FLORIDA,

Office of the Secretary of State :

TALLAHASSEE, *January 27, 1875.*

I, Samuel B. McLin, secretary of state, State of Florida, hereby certify the foregoing to be a true copy of the original on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Florida, at Tallahassee; the capital, this the twenty-seventh day of January, A. D. 1874, and of the Independence of the United States the ninety-ninth year.

[SEAL.]

SAM. B. McLIN,
Secretary of State.

EXHIBIT C.

Oath to be taken by clerk before opening election.

STATE OF FLORIDA, *Alachua County :*

I, the undersigned, Frank Coleman, clerk of an election held at Archer Station, in the county of Alachua, and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, do solemnly swear that I will perform the duties of clerk of the before-mentioned election according to law, and that I will endeavor to prevent all fraud, deceit, and abuse in conducting the same.

FRANK COLEMAN,
Clerk of Election.

Sworn to and subscribed before me this third day of November, A. D. 1874.

ALLEN M. JONES,
Justice of the Peace.

N. B.—The above oath must be taken by the clerk previous to receiving any votes.

It may be taken before any officer authorized to administer oaths.

It must be returned with the poll-list and the returns of the election, to the clerk of the circuit court.

EXHIBIT D.

Certificate of the county canvassers. (See section 24 act of August 6, 1868.)

STATE OF FLORIDA, *Brevard County*:

We, the undersigned, A. A. Stewart, clerk of the circuit court of the county aforesaid, and John Houston, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the 19th day of November, the same being sixteen days after the general election held in the county of Brevard, and State aforesaid, on Tuesday, the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872. We do hereby certify from the returns on file in the office of the clerk aforesaid —

That the whole number of votes cast for Representative in Congress was eighty-eight, (88,) as follows, viz:

Jessee J. Finley received eighty-three, (83,) J. T. Walls received five, (5.)

That the whole number of votes cast for State senator was —.

That the whole number of votes cast for member of assembly was eighty-six, (86,) as follows, viz:

Quinn Bass received forty-four, (44.) Bethel J. Stewart received twenty-four, (24.) George S. Willard received eighteen, (18.)

Witness our hands and seals of office at Eau Gallie, in the county aforesaid, this 19th day of November, in the year of our Lord one thousand eight hundred and seventy-four.

A. A. STEWART, [SEAL.]

Clerk of the Circuit and County Courts, Brevard County.

JOHN HOUSTON,

Justice of the Peace of Brevard County.

STATE OF FLORIDA,

Office of the Secretary of State:

TALLAHASSEE, *January 27, 1875.*

I, Samuel B. McLin, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Florida, at Tallahassee, the capital, this the twenty-seventh day of January, A. D. 1874, and of the Independence of the United States the ninety-ninth year.

[SEAL.]

SAM. B. McLIN,
Secretary of State.

EXHIBIT E.

Certificate of the county canvassers. (See section 24 act of August 6, 1868.)

STATE OF FLORIDA, *Dade County :*

We, the undersigned, W. H. Hunt, judge of the county court of the county stated, and W. H. Gleason, clerk of the circuit court of the county aforesaid, and W. Watkin Hicks, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid, on the ninth day of November, the same being six days after the general election held in the county of Dade and State aforesaid, on Tuesday the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872. We do hereby certify from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was 35, (thirty-five,) as follows :

J. J. Finley received twenty-three, (23.) Josiah T. Walls received twelve, (12.)

That the whole number of votes cast for State senator was .

That the whole number of votes cast for member of assembly was 36, (thirty-six,) as follows :

W. Watkin Hicks received twenty-six, (26.) W. B. Brickel received ten, (10.)

Witness our hands and seals of office at Biscayne, in the county aforesaid, this ninth day of November, in the year of our Lord one thousand eight hundred and seventy-four.

(Signed)

W. H. HUNT,

Judge of the County Court of Dade County.

[SEAL.]

(Signed)

W. H. GLEASON,

Clerk of the Circuit and County Courts of Dade County.

(Signed)

W. WATKIN HICKS,

Justice of the Peace of Dade County.

STATE OF FLORIDA,

Office of the Secretary of State :

TALLAHASSEE, *January 27, 1875.*

I, Samuel B. McLin, secretary of state of the State of Florida, do hereby certify that the foregoing is a true and correct copy of the original on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Florida, at Tallahassee, the capital, this the twenty-seventh day of January, A. D. 1875, and of the Independence of the United States the ninety-ninth year.

[SEAL.]

SAM. B. McLIN,

Secretary of State.

EXHIBIT F.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election law.]

STATE OF FLORIDA, *Alachua County* :

We, the undersigned, inspectors and clerk of an election held at Newnansville, in the county of Alachua, and State aforesaid, on the 3d (third) day of November, in the year of our Lord one thousand eight hundred and seventy-four, (1874,) under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify that the result of said elections was as follows, viz :

For Representative in Congress, Josiah T. Walls and Jesse Finley : Received, Walls, two hundred and fifty-one, (251;) received, Jesse Finley, thirty, (30.)

For member of the assembly, Geo. Washington, two hundred and forty-six, (246;) T. C. Gass, two hundred and forty-eight, (248;) J. W. Raymond, nine, (9;) John B. Dill, two, (2;) A. D. Mayo, five, (5.)

For constable, received P. H. Valentine eighty-six, (86;) received David Clark one hundred and fifty-five, (155;) received W. F. Mulphuls, twelve, (12.)

Witness our hands at Newnansville, in the county aforesaid, this third day of November, in the year of our Lord one thousand eight hundred and seventy-four.

WILLIAM VALENTINE, *Chair,*
Inspector of Election.

THOMAS SIMPSON,
Inspector of Election.

HENRY C. PARKER,
Inspector of Election.

M. M. BENNEY, *Clerk of Election*

N. B.—All of the blanks in the above certificate must be filled up in words written at full length.

The certificate must be signed in duplicate. One of the certificates must be delivered by one of the number signing it, without delay, securely sealed, to the clerk of the circuit court, and the other to the county judge of the county.

The poll-list and oaths of the inspectors and clerk must be transmitted, with the certificate, to the clerk of the circuit court, to be filed in his office.

EXHIBIT G.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election law.]

STATE OF FLORIDA, *Alachua County* :

We, the undersigned inspectors and clerk of an election held at Micanopy, in the county of Alachua and State aforesaid, on the 3d day

of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify that the result of the said election was as follows, viz:

For Representative in Congress, Jesse J. Finley received eighty-three votes, (83;) Josiah T. Walls received one hundred and thirty-two votes, (132.)

For member of the assembly, J. W. Raymond et A. D. Mayo: Received, Raymond, twenty-seven (27) votes; Mayo, twenty (20) votes. Geo. Washington et T. C. Gass: Received, Washington, one hundred and twenty-seven, (127;) Gass, one hundred and twenty-six (126) votes. J. H. Stokes, for member of the assembly, received one (1) vote.

For constable, Joe Adams received five (5) votes; Shuford received one (1) vote.

Witness our hands at Micanopy, in the county aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

J. H. STOKES,
Inspector of Election.
 ALLEN BARBER,
Inspector of Election.
 C. H. CRISMAN,
Inspector of Election.
 LEVI T. S. PARDEE, M. D.,
Clerk of Election.

N. B.—All of the blanks in the above certificate must be filled up in words written at full length.

The certificate must be signed in duplicate. One of the certificates must be delivered by one of the number signing it, without delay, *securely sealed*, to the clerk of the circuit court, and the other to the county judge of the county.

The poll-list and oaths of the inspectors and clerk must be transmitted, with the certificate, to the clerk of the circuit court, to be filed in his office.

EXHIBIT H.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, *Alachua County*:

We, the undersigned, inspectors and clerk of an election held at Gainesville, in the county of Alachua and State aforesaid, on the third (3d) day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify that the result of the said election was as follows, viz:

For Representative in Congress, Josiah T. Walls received two hundred and seven (207) votes.....	207
Jesse J. Finley received sixteen (16) votes.....	16
For member of the assembly, Theodore C. Gass received two hundred (200) votes.....	200
George Washington received one hundred and ninety-nine (199) votes	199
John W. Raymond received twenty-one (21) votes.....	21
Andrew D. Mayo received nineteen (19) votes.....	19
Robert Y. H. Thomas received one (1) vote.....	1
For constable, Jack Elliott received one hundred and twenty-five votes	125
Richard L. Wilson received fifteen (15) votes.....	15
Leonard G. Dennis received two (2) votes.....	2
John W. Raymond received two (2) votes.....	2
B. C. Drake received two (2) votes.....	2
A. D. Mayo received two (2) votes.....	2
Laurence Chestnutt received one (1) vote.....	1
W. K. Cessna received one (1) vote.....	1

Witness our hands, at Gainesville, in the county aforesaid, this third day of November, in the year of our Lord one thousand eight hundred and seventy-four.

M. E. PAPY,
Inspector of Election.
W. H. BALTZELL,
Inspector of Election.
L. E. CHESTNUT,
Inspector of Election.
JOHN B. BROOKS,
Clerk of Election.

N. B.—All of the blanks in the above certificate must be filled up in words written at full length.
The certificate must be signed in duplicate. One of the certificates must be delivered by one of the number signing it, without delay, securely sealed, to the clerk of the circuit court, and the other to the county judge of the county.
The poll-list, and oaths of the inspectors and clerk, must be transmitted, with the certificate, to the clerk of the circuit court, to be filed in his office.

EXHIBIT I.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, Alachua County :

We, the undersigned, inspectors and clerk of an election held at Gordon, in the county of Alachua and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled “An act to provide for the registration of electors and the holding of elections,” approved

August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify that the result of the said election was as follows, viz:

For Representative in Congress, Josiah T. Walls received eighty-six (86) votes; Jesse J. Finley received sixty-six (66) votes.

For member of assembly, John W. Raymond received seventy-two (72) votes; Andrew D. Mayo received sixty (60) votes; John B. Dell received seven (7) votes.

For member of assembly, George Washington received eighty (80) votes; Theodore C. Gass received eighty (80) votes.

For constable, William Mulphus received thirty (30) votes; Frank Harrison received eighty (80) votes; Henry Priest received ten (10) votes.

Witness our hands, at Gordon, in the county aforesaid, this third day of November, in the year of our Lord one thousand eight hundred and seventy-four.

FREDERICK ROBERTS,
Inspector of Election.

^{his}
CÆSAR + SWETT,
^{mark.}

Inspector of Election.
MARCUS SIMMONS,

Inspector of Election.
TRUMAN DOANE, JR.,
Clerk of Election.

N. B.—All of the blanks in the above certificate must be filled up in words written at full length.

The certificate must be signed in duplicate. One of the certificates must be delivered by one of the number signing it, without delay, securely sealed, to the clerk of the circuit court, and the other to the county judge of the county.

The poll-list and oaths of the inspectors and clerk must be transmitted, with the certificate, to the clerk of the circuit court, to be filed in his office.

EXHIBIT J.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, *Alachua County* :

We, the undersigned, inspectors and clerk of an election held at Barnes's Store, in the county of Alachua and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify that the result of the said election was as follows, viz:

For Representative in Congress, Josiah T. Walls received one hundred and twenty-five votes, (125;) Jesse J. Finley received sixty-five votes, (65.)

For member of the assembly, Geo. Washington received one hundred and twenty-five votes, (125;) Theo. C. Gass, one hundred and twenty-two votes, (122;) J. W. Raymond received sixty-three votes, (63;) A. D. Mayo received fifty-five votes, (55;) J. B. Dell received five votes, (5.)

For constable, David Clarke received one hundred and eight votes, (108;) Flem. Mickens received seventy-nine votes, (79;) Mulphus, one vote, (1;) Milligan Hearst, one vote, (1.)

Witness our hands, at Barnes's Store, in the county aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

L. O. BARNES, *Inspector of Election.*

^{his}
JAMES + ROBINSON,
^{mark.}

Inspector of Election.

^{his}
ISAAC + SINCLAIR,
^{mark.}

Inspector of Election.

C. H. F. THOMSON,
Clerk of Election.

N. B.—All of the blanks in the above certificate must be filled up in words written at full length.

The certificate must be signed in duplicate. One of the certificates *must be delivered by one of the number signing it*, without delay, *securely sealed*, to the clerk of the circuit court, and the other to the county judge of the county.

The poll-list and oaths of the inspectors and clerk must be transmitted, with the certificate, to the clerk of the circuit court, to be filed in his office.

EXHIBIT K.

Certificate of the result of election.

[To be signed by inspectors and clerk of election.—See section 23 of the general election-law.]

STATE OF FLORIDA, *Alachua County*:

We, the undersigned, inspectors and clerk of an election held at Archer, in the county of Alachua, and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 19, 1870, do hereby certify that the result of the said election was as follows, viz:

For representative in Congress, Josiah Walls received two hundred and ninety-three (293) votes; Jessee J. Finley received twenty-five (25) votes.

For member of the assembly, George Washington received two hundred and eighty-two (282) votes; T. C. Gass received two hundred and eighty-two (282) votes; J. W. Raymond received sixteen (16) votes; Andrew D. Mayo received seven (7) votes; Jno. B. Dell received fifteen (15) votes.

Witness our hands, at Archer, in the county aforesaid, this 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four.

HENRY ^{his} + WASHINGTON,
_{mark.}
Inspector of Election.
 W. H. GEIGER,
Inspector of Election.
 G. R. MOORE,
Inspector of Election.
 F. M. COLEMAN,
Clerk of Election.

N. B.—All of the blanks in the above certificate must be filled up in words written at full length.

The certificate must be signed in duplicate. One of the certificates must be *delivered by one of the number signing it*, without delay, *securely sealed*, to the clerk of the circuit court, and the other to the county judge of the county.

The poll-list and oaths of inspector and clerk must be transmitted, with the certificate, to the clerk of the circuit court, to be filed in his office.

EXHIBIT L.

Oath to be taken by clerk before opening election.

STATE OF FLORIDA, *County:*

I, the undersigned, Truman Done, jr., clerk of an election held at Gordon, in the county of Alachua, and State aforesaid, on the 3d day of November in the year of our Lord one thousand eight hundred and , under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, do solemnly swear that I will perform the duties of clerk of the before-mentioned election according to law, and that I will endeavor to prevent all fraud, deceit, and abuse in conducting the same.

TRUMAN DOANE, JR.

Sworn to and subscribed before me this 3d day of November, A. D. 1874.

FREDERICK ROBERTS.

STATE OF FLORIDA, *Alachua County:*

I, W. H. Belton, clerk circuit court for county and State aforesaid, do hereby certify that the above oath of the clerk of election is a true copy of the original it upon its face purports to be.

Witness W. H. Belton, clerk circuit court, and the seal of the circuit court, this October 15, 1875.

[SEAL.]

W. H. BELTON,
Clerk Circuit Court.

EXHIBIT M.

COUNTY OF ALACHUA,
State of Florida :

I, W. H. Belton, clerk of the circuit court in and for the said county,
do hereby certify that the names of

Henry Woodward,
Chester Mahoney,
Harrison Adams,
Joseph Johnson,
George Pray,
David Jones,
Daniel Williams,
Samuel Hathcock,
John Fields,
Andrew J. Brown,
J. H. Revere,
Shederick Blake,
Bob Willison,
Taylor Drew,
Henry Hall,
Isaac Hays,
Jackson Fowler,
Aaron Dean,
Rophard Ferguson,
Calvin Ferguson,
Nelson Riley,
George Doby,
Manuel Doby,
James Boyd,
Isaac Bermain,
Cain King,
Randolph Stanley,
Harry Amos,
William McCane,
Joseph Bradley,
Charles Adams,
Ben Welcome,
Abram Broome,
William Washington,
Alexander Busby,
Willis Reynolds,
Jack Banks,
July Gaines,
Jefferson Brooks,
William Brockington,
Jack Busby,
Dan Clark,
Henry Mahamery,
John Haines,
George Shephard,
Isaac Brockington,
James Gauny,
Barney Belclon,
Nathaniel Gauny,
Presley Harris,

James Madison,
Charles Gee,
Abe Clifton,
John Stephens,
Taylor Johnson,
Ned Dorsey,
Amos Johnson,
Henry Cooper,
James Evans,
Richard Cook,
Jerry McCaslin,
Bolivar Samuel,
Robert Boulware,
Brister Bleu,
Richard Yates,
Hector Manger,
Chester Fields,
Amos Graham,
Bill Williamson,
George Sharpe,
Ben Thompson,
Charles Holland,
Lee Logans,
Seth Brown,
Rosom McDonald,
Reuben Bocom,
Peter Jackson,
William Mott,
Cajo Howell,
Eli McRae,
Samuel Kerr,
Washington Clark,
George Peterson,
Toby Welch,
Albert Huckley,
Stone Haines,
Briston Welch,
Richard Hall,
George Amos,
David Walker,
Newton Harris,
George Lumkins,
Basil Terry,
Stephen Smallwood,
Jacob Slondley,
Joe Heanis,
George Hughes,
Pompey Danton,
Lindon Tucker,
Abe Broonie,

Daniel Mahemery,
J. G. Sparkman,
Lourdy Sparkman,
John Richardson,
Ivery Brewster,
Cavin Sewell,
Jerry Cooper,
Willis Vaughn,
Vance Murray,
Smart Shuler,
Thomas Day,
W. H. Green,
J. B. Huggins,
Homer Cato,
J. H. Stokes,
Moses Simmons,
Isaac Sinclair,
Washington Williams,
Amaziah Banks,

Samuel Payne,
James Brown,
John Law,
J. M. Farmer,
C. F. Parker,
C. H. Chresman,
Levi T. S. Pardee,
Truman Doane, jr.,
W. H. Baltzell,
Tob Johnson,
Samuel Lewis,
Bingham Welch,
Emanuel Hays,
Peter Hart, (Levy Co.,)
George McCassil,
David Williams,
Peter Nelson,
Eli Banks,
Tom Johnson,

appear upon the registration-lists of Alachua County, and that they were registered voters in said county at the election held in said county on the 3d day of November, 1874.

Witness W. H. Belton, clerk of the circuit court in and for said county, and the seal of said circuit court, this 20th day of October, A. D. 1875.

[SEAL.]

WILLIAM H. BELTON,
Clerk Circuit Court, Alachua County, Florida.

EXHIBIT N.

STATE OF FLORIDA, *Alachua County* :

Before me, a justice of the peace in and for the county and State aforesaid, personally came Marcus Simmons, who, being duly sworn, deposes and says that he was an inspector of elections at precinct of Gordon, in the county of Alachua, at an election held for one member of Congress and two representatives to the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida as far as the officers of the election knew the law, there being no instruction furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

MARCUS SIMMONS.

Sworn to and subscribed before me this 27th day of November, A. D. 1874.

R. E. SHIVERY,
Justice of the Peace.

STATE OF FLORIDA, *Alachua County* :

Before me, a justice of the peace for and in said county and State, personally came W. U. Saunders, who, being duly sworn, deposes and

says that he was United States deputy marshal of elections at precinct of Archer, in the county of Alachua, at an election held for one member of Congress and two representatives to the legislature of Florida on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

W. U. SAUNDERS.

Sworn to and subscribed before me this 28th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA, *Alachua County*:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Charles H. F. Thompson, who, being duly sworn, deposes and says that he was clerk of election at precinct of Barnes' store, in the county of Alachua, at an election held for one member of Congress and two representatives to the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

C. HUGH F. THOMPSON.

Sworn to and subscribed before me this 28th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA, *Alachua County*:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Thomas Simpson, who, being duly sworn, deposes and says that he was an inspector of elections at precinct of Newnansville, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

THOMAS SIMPSON.

Sworn to and subscribed before me this 28th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA.

Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came William Valentine, who, being duly sworn, deposes and says that he was an inspector of elections at precinct of Newnansville, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

WM. VALENTINE.

Sworn to and subscribed before me this 28th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,

Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Allen Barber, who, being duly sworn, deposes and says that he was inspector of elections at precinct of Micanopy, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of my knowledge and belief, no illegal votes were cast at said precinct.

his
ALLEN + BARBER.
mark.

Sworn to and subscribed before me this 11th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,

Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Joseph Welch, who, being duly sworn, deposes and says that he was deputy sheriff of elections at precinct of Liberty Hill, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the

precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

his
JOSEPH + WELCH.
mark.

Sworn to and subscribed before me this 14th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Thomas Harris, who, being duly sworn, deposes and says that he was deputy United States marshal, precinct of Micanopy, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

THOS. HARRIS.

Sworn to and subscribed before me this 13th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Henry Washington, who, being duly sworn, deposes and says that he was inspector of elections at precinct of Archer, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

his
HENRY + WASHINGTON.
mark.

Sworn to and subscribed before me this 13th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came J. W. Valentine, who, being duly sworn,

deposes and says that he was United States supervisor of elections at precinct of Newnansville, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

J. W. VALENTINE.

Sworn to and subscribed before me this 28th day of November, A. D. 1874.

R. E. SHIVERY,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Frank Brown, who, being duly sworn, deposes and says that he was special deputy United States marshal of elections at precinct at Archer station, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

FRANK BROWN.

Sworn to and subscribed before me this 12th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice of the peace, in and for the county and State aforesaid, personally came Allan M. Jones, who, being duly sworn, deposes and says that he was special deputy United States marshal of elections, at precinct at Archer station, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that each election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

ALLAN M. JONES.

Sworn to and subscribed before me this 12th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County :

Before me, a justice of the peace in and for the county and State aforesaid, personally came Richard Hughes, who, being duly sworn, deposes and says that he was special deputy United States marshal of elections at precinct at Archer station, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

R. HUGHES.

Sworn to and subscribed before me this 12th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County :

Before me, a justice of the peace in and for the county and State aforesaid, personally came John C. Brown, who, being duly sworn, deposes and says that he was deputy United States marshal of elections at precinct of Archer station, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

JOHN C. BROWN.

Sworn to and subscribed before me this day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County :

Before me, a justice of the peace in and for the county and State aforesaid, personally came Theodore C. Gass, who, being duly sworn, deposes and says that he was United States supervisor of elections at precinct of Liberty Hill, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted according to the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished said officers; and that if any irregularities occurred the voters of the

precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

THEO. C. GASS.

Sworn to and subscribed before me this 14th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came William Trapp, who, being duly sworn, deposes and says that he was United States supervisor of elections at precinct of Barnes's store, in the county of Alachua, at an election held for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

WILLIAM TRAPP.

Sworn to and subscribed before me this 14th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice of the peace in and for the county and State aforesaid, personally came Gaines Hurst, who, being duly sworn, deposes and says that he was a deputy United States marshal, at precinct of Barnes's store, in the county of Alachua, at an election held for one member of Congress and two representatives to the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

^{his}
GAINES + HURST.
^{mark.}

Sworn to and subscribed before me this day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County:

Before me, a justice the peace in and for the county and State aforesaid, personally came Matthew M. Lewey, who, being sworn, deposes and says that he was clerk of elections at precinct of Newnansville, in

the county of Alachua, at an election held for one member of Congress and two representatives to the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

MATTHEW M. LEWEY.

Sworn to and subscribed before me this 17th day of November, A. D. 1874.

R. E. SHIVERY,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County :

Before me, a justice of the peace in and for the county and State aforesaid, personally came Stephen Harris, who, being duly sworn, deposes and says that he was present at an election at precinct of Newnansville, in county of Alachua, for one member of Congress and two representatives in the legislature of Florida, on the 3d day of November A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

his
STEPHEN + HARRIS.
mark.

Sworn to and subscribed before me this 13th day of November, A. D. 1874.

J. W. VALENTINE,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County :

Before me, a justice of the peace in and for the county and State aforesaid, personally came George Washington, who, being duly sworn, deposes and says that he was a United States supervisor of elections at precinct of Gordon, in the county of Alachua, at an election held for one member of Congress and two representatives to the legislature of Florida, on the 3d day of November, A. D. 1874; and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

GEO. WASHINGTON.

Sworn to and subscribed before me this 19th day of November, A. D. 1874.

R. E. SHIVERY,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County :

Before me, a justice of the _____ in and for the county and State aforesaid, personally came Cæsar Sweat, who, being duly sworn, deposes and says that he was inspector of elections at precinct of Gordon, in the county of Alachua, at an election held for one member of Congress and two representatives to the legislature of Florida, on the 3d day of November, A. D. 1874, and that said election was conducted in accordance with the laws of Florida, as far as the officers of the election knew the law, there being no instructions furnished the said officers; and that if any irregularities occurred the voters of the precinct are not responsible; and, further, that, to the best of his knowledge and belief, no illegal votes were cast at said precinct.

CÆSAR ^{his} + SWEAT.
mark.

Sworn to and subscribed before me this 27th day of November, A. D. 1874.

R. E. SHIVERY,
Justice of the Peace.

STATE OF FLORIDA,
Alachua County :

I, William H. Belton, clerk of the circuit court in and for the county of Alachua and State of Florida, do hereby certify that the foregoing affidavits of Marcus Simmons, W. U. Saunders, C. H. F. Thompson, Thomas Simpson, William Valentine, Allen Barber, Joseph Welch, Thomas Harris, Henry Washington, J. W. Valentine, Frank Brown, Allen M. Jones, Richard Hughes, John C. Brown, Theodore C. Gass, William Trapp, Gaines Hurst, Matthew M. Lewey, Stephen Harris, George Washington, and Cæsar Sweat, are true and correct copies of the affidavits taken and subscribed by the several said deponents therein named, as appears from the original affidavits now on file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the circuit court of said county, at the court-house in Gainesville, on this the 23d day of October, A. D. 1875.

[SEAL.]

WILLIAM H. BELTON,
Clerk Circuit Court, Alachua County, Florida.

Certificate of notary.

STATE OF FLORIDA,
Alachua County :

I, S. F. Halliday, a notary public at Gainesville, within Alachua County and State of Florida, do hereby certify that the testimony herewith transmitted from page 1 to page 46, inclusive, was taken before me, and that the accompanying papers to wit:

No. 1. Answer of contestee to notice of contest, dated February 3, A. D. 1875.

No. 2. Agreement in regard to taking testimony, dated August 23, A. D. 1875.

No. 3. Notice of taking testimony for contestee, dated Jacksonville, Fla., October 12, A. D. 1875.

No. 4. Subpœna for witness J. H. Stokes, dated October 21, A. D. 1875.

No. 5. Agreement as to close of taking testimony in Alachua County, Florida, dated October 22, 1875, and Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, and N, were produced before me on said examination, admitted, and read in evidence.

In testimony whereof I hereunto set my hand and seal, at Gainesville, Alachua County, Florida, this 25th day of October, A. D. 1875.

S. F. HALLIDAY,
Notary Public of Alachua County, Florida.

STATE OF FLORIDA,
Alachua County:

I, W. H. Belton, clerk of the circuit court of the county and State aforesaid, do hereby certify that S. F. Halliday, whose name is subscribed to the above, was, at the time of subscribing the same, a notary public in said county, duly commissioned, sworn, and authorized to take the same; and full faith and credit is due to all his official acts.

In testimony whereof I have hereunto set my hand and the seal of said court, this day of October, A. D. 1875.

[SEAL.]

WM. H. BELTON,
Clerk Circuit Court, Alachua County, Florida.

REBUTTAL FOR CONTESTANT.

In the matter of the contest of Jesse J. Finley, contesting the seat of Josiah T. Walls in the Forty-fourth Congress of the United States.

Testimony taken for contestant, in pursuit of written agreement between the parties, at Gainesville, Fla.; the said contestant appearing by S. Y. Finley, his attorney, and the said contestee appearing in person and by his attorneys, Austin & Cessna; this Gainesville, Florida, within the county of Alachua, and within the second congressional district of Florida, before R. F. Taylor, a notary public residing in said county of Alachua, and city and State, at Gainesville aforesaid. October 23d, A. D. 1875.

Deposition of Louis A. Barnes.

LOUIS A. BARNES, being first duly sworn, deposes as follows, to wit:

Question. What is your name, place of residence, age, and occupation?—Answer. My name is L. A. Barnes. My place of residence is Gainesville, Florida. My occupation is to attend to the duties of my office of sheriff of Alachua County, Florida.

Q. Are you the same L. A. Barnes who testified in behalf of the contestee in this cause, concerning the returns of the election from the precinct of "Barnes's Store," held 3d of November, A. D. 1874?—A. Yes; I am the same person.

Q. What official position, if any, did you occupy there at that precinct during that election?—A. I was one of the inspectors of the election.

Q. Who was the clerk of the election at that precinct?

(Objected to by contestee's counsel, because the question is not in

strict rebuttal of testimony brought out by contestee, as is required by section 107 of the United States election-laws, chapter eight of said laws.)

A. His name was Mr. Thompson. I do not know his Christian name.

Q. Did you not testify, in your direct testimony for contestee, that all the officers of the election at that precinct were sworn?—A. I did, sir.

Q. If the clerk of the election at that precinct was sworn, how do you account for it that the oath taken by that clerk was not returned to the clerk's office of Alachua County, together with the other returns from that precinct?—A. I do not know how to account for it.

Q. Was the ballot-box of that precinct sealed by the inspectors at the time and place where the election was held?

(Objected to by contestee's counsel because the question is not in strict rebuttal of contestee's testimony, according to section 107, chapter 8, of United States election-laws.)

A. The ballot-box of that precinct was not sealed at that precinct at the time of the election, because we had nothing at hand to seal it with; but I brought it into Gainesville next morning and sealed it there.

Q. During the county canvass of that election, did you not make the declaration and statement that the ballot-box from Barnes's Store precinct had been opened, and some of the papers relating to the election there taken out of it?

(Objected to by contestee's counsel, because it is irrelevant, contrary to the rules of evidence, and not in accordance with the United States election-laws, section 107, chapter 8.)

A. I did make that declaration.

Q. Please state the circumstances connected with that declaration then made by you.

(Objected to by contestee's counsel.)

A. The morning after the election I brought the ballot-box from Barnes's Store precinct to my house in Gainesville, for the purpose of sealing it before taking the same to the clerk of the court. I had just finished sealing the box when the clerk and supervisor of that election precinct called me, and the clerk asked me to open the box, saying he thought he had private papers inclosed in it. I refused to open the box. He urged me, saying he had searched the premises at Barnes's Store for them, and could not find them, and they were very important. After being thus urged, and with two witnesses present, I finally consented to open, and did open, the box. I then took all the papers out of the box, searching thoroughly for his missing papers. I even looked all in among the ballots to the bottom of the box, but took none of the ballots out of the box. In placing the election-returns back into the box I missed some of the papers belonging to the returns, and I remarked aloud, "Where are the rest of the papers?" In answer to which one of the witnesses said, "That man there put some papers in his pocket," referring to Mr. Thompson, the clerk of the election. I told him, then, that if he had any of the papers belonging in that box he must disgorge. He then hauled out of his pocket the clerk's list, saying he wanted it for an hour, when he would bring it back, as he wanted to copy the names from it. I told him that he could not have it for a minute, and at the same time took it from him and put it back into the ballot-box.

Q. Can you swear positively that no other paper belonging to that ballot-box was taken from it, or that all the papers belonging to that box were put back into it?

(Objected to by contestee's counsel on the ground that counsel is cross-

examining his own witness. The question is not in pursuit of the allegations in the notice of contest, and that it is not in strict rebuttal according to the 107th section, chapter 8, United States election-laws, and that it is bringing up new matter, which the contestee cannot have an opportunity to disprove.)

A. I did not see Thompson when he pocketed the clerk's list, and I cannot swear positively that all the papers belonging to that box were returned to it.

Q. Were any other of the inspectors of that precinct present when you sealed the box from there?

(Objected to by contestee's counsel.)

A. None of them were present but myself.

Q. Who was the supervisor who came to you with the clerk when the clerk asked you to open the ballot-box, about whom you have been testifying?

(Objected to by contestee's counsel.)

A. His name was William Trapp.

Q. Did William Trapp offer any objection to your opening that box when Thompson asked you to open it?

(Objected to by contestee's counsel.)

A. He offered no objection to its being opened.

Q. Did not William Trapp, the supervisor, appear anxious for you to open that ballot-box?

(Objected to by contestee's counsel.)

A. I do not know that he appeared anxious for it to be opened, but when Thompson asked me to open it I asked his opinion about it, and he says, "I would open it."

Q. Was the ballot-box sealed at that precinct at any time during the election-day?

(Objected to by contestee's counsel.)

A. It was not sealed any time during the day.

Cross-examination:

Q. Was the election, about which you have been testifying, conducted fairly, and in accordance with the law, as you understand it?

(Objected to by contestant's counsel, on the ground that it tends merely to elicit an opinion.)

A. Yes; everything was conducted in accordance with law.

Q. At any time that the ballot-box from Barnes's Store precinct was in your possession, was anything done to it or with it that could or would change the result of the election?

(Objected to by contestant's counsel, because it tends merely to elicit an opinion, and for other reasons.)

A. I do not think it possible, as I gave it my close attention.

L. A. BARNES.

Sworn to and subscribed before me on this 23d day of October, A. D. 1875.

R. F. TAYLOR,
Notary Public, Alachua County, Florida.

Deposition of E. C. F. Sanchez.

E. C. F. SANCHEZ, being duly sworn, deposeth and says:

Question. What is your name, place of residence, and business; and what is your occupation?—Answer. My name is E. C. F. Sanchez. My

place of residence and business is Gainesville, Alachua County, Florida, and my occupation is that of a practising attorney.

Q. Some time after the election held in Gainesville on the 3d day of November, A. D. 1874, did you or did you not find some of the election-returns relating to that election in Alachua County; and, if so, what were they, where did you find them, and when did you find them?

(Objected to by contestee's counsel, on the ground that it is irrelevant, not mentioned in the notice of contest, and not in strict rebuttal of contestee's testimony, in accordance with the 107th section, chapter 8 of the United States election-laws.)

A. Some few days after the election held at that time I found the poll-list of precinct No. 3 in the town of Gainesville, lying open on a table in the room where the election at this precinct No. 3 was held.

Q. Did you call the attention of any one to it? If so, whose?

(Objected to by contestee's counsel, on the ground that it does not follow the notice of contest and brings out new matter, which the contestee has no opportunity of disproving and is not strictly in rebuttal.)

A. At the time that I discovered this poll-list, I called the attention of Mr. W. H. Belton, clerk of the courts, and Mr. J. M. Hall to it. I do not remember calling the attention of any one else to it at that time, but I was present at the county canvass of that election, and saw them raise a question as to the legality of the returns from that precinct, on the ground that the poll-list was not returned with the other returns from there.

Q. Do you know whether Mr. W. K. Cessna knew of this poll-list being on that table, or of its being absent from the other returns from that precinct, and what connection did he have, if any, with that poll-list?

(Objected to by contestee's counsel, on the ground that it is a leading question and brings out new matter, not in strict rebuttal.)

A. I do not know that W. K. Cessna knew of that poll-list being on that table, but I know that its absence from the returns from that precinct was brought to his notice during the county canvass, and at the time that its absence from those returns was brought to the notice of the county canvassers a search was instituted for it, and it was then produced by Mr. W. K. Cessna. If I mistake not, at the time he produced it, he remarked that he had found it in his office. His office was in the room where the election at this precinct, No. 3, was held.

Q. Was that Mr. W. K. Cessna not one of the board of county canvassers for Alachua County, and is he not the same person who is now acting in this examination as counsel for the contestee, Josiah T. Walls?

(Objected to by contestee's counsel, on the ground that it is irrelevant, brings out new matter which the contestee has no opportunity to disprove, and not in strict rebuttal of contestee's testimony.)

A. W. K. Cessna, now spoken of, was the same person who was a member of the board of county canvassers, and is the same person who is now acting in this examination as counsel for the contestee, Josiah T. Walls.

Q. Do you know Joseph W. Valentine, who has testified in behalf of the contestee in this cause?

(Objected to, because the question is leading.)

A. I do know Joseph W. Valentine.

Q. Do you know whether or not Joseph W. Valentine, from his general

reputation, is a warm friend of the contestee, Josiah F. Walls, and whether or not he is a strong political partisan in favor of the contestee? (Objected to by contestee's counsel.)

A. Joseph W. Valentine, by reputation, is a republican in politics, and from expressions made by him in my presence he is a friend of General Walls.

Q. Is he a colored or a white man?

(Objected to by contestee's counsel, because it is irrelevant and not in strict rebuttal of contestee's testimony.)

A. He is a colored man.

Q. After the election held November 3, 1874, did you or did you not see this same Joseph Valentine with one of the ballot-boxes of some precinct in Alachua County; and, if so, where did you see him, what ballot-box did he have, and under what circumstances did he have it?

(Objected to by contestee's counsel, on the ground that it brings out new matter, of which the contestee had no notice, tending to create surprise, and which he has no opportunity of disproving.)

A. I saw this same Joseph Valentine the day after the election. He had at the time that I saw him a ballot-box of election-returns from the precinct of Newnanville. He came to the court-house in Gainesville with this ballot-box; the clerk's office was closed, and he walked into my office and put the ballot-box on the floor. The ballot-box at that time was unsealed.

Q. At the time he put this ballot-box on the floor in your office did he not have it in an exposed condition, or did he keep it under strict scrutiny?

(Objected to by contestee's counsel, on the ground that it is a leading question, and because it is new matter, and not in strict rebuttal of contestee's testimony.)

A. I would say that, for a ballot-box, it was left in a very exposed condition. He left it and went out into the streets and was gone for a considerable time. My office is a very public place. I was walking in and out from time to time and did not pay a great deal of attention to it.

Q. Do you know Mr. S. F. Halliday, who has been taking testimony in behalf of contestee in this case?

(Objected to on account of irrelevancy by contestee's counsel.)

A. I do know Mr. S. F. Halliday.

Q. Do you know of any connection which Mr. Halliday had with this ballot-box left in your office by Joseph Valentine?

(Objected to by contestee's counsel, on the ground that it is new matter, which contestee has no opportunity of disproving, and of which he had no notice, and not in strict rebuttal of contestee's testimony, as required by section 107, chapter 8, election-laws of the United States.)

A. After the box was left in my office by Joseph Valentine, and when he, Joseph Valentine, returned, Mr. Halliday was with him, and Mr. Halliday then made some remark about the box not being sealed, which remark I do not remember. They together took the box out of my office and carried it across into the grand-jury room, a room in the court-house. I saw the box soon after, and it had been sealed up. It was taken by them unsealed, and was afterward sealed.

Cross-examination:

Q. What reason have you for knowing that the paper about which you have been testifying that you found on a table was the poll-list of precinct No. 3 of Gainesville?—A. I judged that it was the poll-list from the fact that it was in the usual form, designating the precinct, and on

it there were a number of names marked "sworn," and also from the fact that it was in the handwriting of one of the inspectors or the clerk of the election at that precinct. If I mistake not, I afterward recognized the poll-list that I saw upon the table when it was brought in before the board of county canvassers as being the same poll-list.

Q. Do you know that that poll-list was the same one that was made out or used at that precinct during that election?—A. To the best of my knowledge and belief I think it was the same one used at that precinct, from the fact that it was recognized to be the same by the board of county canvassers.

Q. Do you know of your own knowledge whether the box which you testified to seeing in Joseph Valentine's possession was really the ballot-box of any precinct in Alachua County, Florida?—A. Yes. It was the ballot-box from the Newnanville precinct. I know this, because Joseph Valentine told me so, and it was returned to the clerk of the court as such, and was used and canvassed as such by the board of county canvassers.

Q. While that ballot-box was in your office was it tampered with by any one in any way?—A. I was out of my office a part of the time that that box was there, but while I was there it was not tampered with.

Q. Please state whether or not the laws require the ballot-box to be returned and sealed by inspectors of elections as a part of the election-returns.

(Objected to by contestant's counsel on the ground of tending merely to elicit an opinion.)

A. I am not very familiar with the election-laws, but my opinion is that the law requires the ballot-boxes to be sealed up and returned by one of the inspectors of the election; and also that the election-returns are required to be sealed up in an envelope and returned by one of the inspectors.

Q. Is it not customary to send the election-returns by mail to the clerk of the court?—A. I do not know of any such custom.

Q. Was or was not the election-returns proper sent down from Newnanville by one of the inspectors from there or by the clerk from there, sealed in an envelope?—A. I do not know. I do not know whether any returns from there were sent at all, or how they were sent.

E. C. F. SANCHEZ.

Sworn to and subscribed before me this 23d day of October, A. D. 1875.

R. F. TAYLOR,

Notary Public Alachua County, Fla.

Deposition of James B. Brown.

JAMES B. BROWN, being duly sworn, deposeth and says:

Question. Do you know Mr. George Helveston, of Archer, and what is his character for intelligence and integrity?

(Objected to, on the ground of irrelevancy, and not in rebuttal of testimony brought out by contestee.)

Answer. I know Mr. Helveston. He has always borne the reputation of being a truthful, upright man. I have known him for twenty years, and I have never heard anything to the contrary concerning him.

Q. Do you know Mr. J. Samuel Dupuis of Newnanville; and what is his reputation for intelligence and veracity?

(Objected to by contestee's counsel, for irrelevancy, and not in strict rebuttal of contestee's testimony.)

A. I do not know Mr. J. S. Dupuis so well, but have seen him off and on for several years, and would believe any statement he made to me.

Cross-examination:

Q. Do you know William Valentine?

(Objected to by contestant's counsel, because not in pursuit of direct examination.)

A. I do not know him.

J. B. BROWN.

Sworn to and subscribed before me this 23d day of October, A. D. 1875.

Deposition of Thomas F. King.

THOMAS F. KING, being duly sworn, deposeth and says:

Question. What is your name, place of residence, and business or occupation?—Answer. My name is Thomas F. King; my place of residence is Gainesville, and my occupation is that of an attorney at law.

Q. Do you know George Helveston, of Archer; and, if so, what is his character for intelligence, truthfulness, and integrity?

(Objected to by contestee's counsel, on the ground of irrelevancy, and not in strict rebuttal, and tending to discredit their own witnesses.)

A. I have known George Helveston for eighteen or twenty years. He has always maintained a fair character in this community in which he has lived, for truthfulness, integrity, and intelligence.

Q. Do you know J. S. Dupuis, of Newnanville, Florida; and, if so, what is his character for intelligence, truthfulness, and integrity?

(Objected to by contestee's counsel, for irrelevancy, and not being in strict rebuttal of contestee's testimony.)

A. I have known him some twenty years, since he was a boy; he has always maintained a fair reputation in those respects.

Q. Do you know George Washington, of Alachua County, and was he or was he not a candidate for the legislature at last election from Alachua County, Florida, and of what party?

(Objected to as irrelevant and not in strict rebuttal of testimony brought out by contestee.)

A. I know George Washington; he was a candidate for the legislature of Florida from Alachua County, on the republican ticket.

Q. Was he a colored man or a white man, and was he or not a friend of General Walls in the election?

(Objected to by contestee's counsel, on the ground of irrelevancy and as not being in strict rebuttal of testimony of contestee.)

A. He was a colored man, and in that election was a friend of General Walls.

Cross-examination:

Q. Do you know Dr. Watson Porter, of Gainesville, Fla.; and what is his character for truthfulness and fair dealing?—A. I know nothing at all against Dr. Porter's character. My opinion of him is that he is a man of truthfulness and fair dealing.

Q. Do you know Charles Chrisman, of Micanopy, Fla.; and what is his reputation for truthfulness and fair dealing?—A. I know Charles Chrisman. His reputation is good in those respects.

Q. Do you know L. A. Barnes, and his reputation for truthfulness and fair dealing?—A. I know L. A. Barnes, and know nothing against his character in those respects whatever.

Q. Do you know W. H. Belton; and what is his reputation for truthfulness and fair dealing?—A. I know him. His character is good in those respects.

Q. Do you know Allen M. Jones, of Archer, Fla.; and what is his reputation for truthfulness and fair-dealing?—A. I do not know anything about him in those respects.

Q. Do you know George Washington, and his character for truthfulness and fair-dealing?—A. I know him, but do not know anything about his reputation or character in those respects. I know nothing against him.

Q. Do you know John B. Brooks; and what is his reputation for truthfulness and fair-dealing?—A. I know him, and his reputation in those respects is good. I also know M. E. Papy, and his reputation in those respects is good.

Q. Do you know Benjamin Rush; and what is his reputation for truthfulness and fair-dealing?—A. I cannot say that I know his reputation at all. I know nothing against him. I would take his testimony as soon as any man's.

Q. Do you know S. F. Halliday, of Gainesville, Fla.; and what is his reputation for truthfulness and fair-dealing?—A. I know him. His reputation in those respects is good.

Q. Do you know L. E. Chestnut; and what is his reputation for truthfulness and fair-dealing?—A. I know him, but do not know his reputation in those respects. I know nothing against him.

Q. Do you know J. H. Stokes, of Micanopy, Fla.; and what is his reputation for truth and fair-dealing?—A. I know him. His reputation is fair in those respects.

Q. Do you know Allen Barber, of Micanopy; and what is his reputation for truth and fair-dealing?—A. I know him, but do not know his reputation in those respects. I do not know anything against him.

THOS. F. KING.

Sworn to and subscribed before me this 23d day of October, A. D. 1875.

R. F. TAYLOR,

Notary Public, Alachua County, Fla.

Certificate of notary.

STATE OF FLORIDA,
Alachua County :

I, R. F. Taylor, a notary public of said State and county, residing at Gainesville, within the county of Alachua and within the second congressional district of Florida, do hereby certify that the foregoing, from page one (1) to page inclusive, is a true copy of the testimony taken in behalf of the contestant in the case wherein Jesse J. Finley contests for the seat of Josiah T. Walls in the Forty-fourth (44th) Congress of the United States, in pursuance of agreement hereto attached, entered

into on the 22d day of October, A. D. 1875, and taken on the 23d day of October, A. D. 1875, at Gainesville, Fla., the said contestant appearing by S. Y. Finley, his attorney, and the said contestee appearing in person, and by Austin & Cessna, his attorneys, this the 23d day of October, A. D. 1875.

[SEAL.]

R. F. TAYLOR,
Notary Public in and for Alachua County, Florida.

CONTESTEE'S TESTIMONY CONTINUED.

Depositions at Saint Augustine.

STATE OF FLORIDA,

Saint John's County, ss :

In the matter of Josiah T. Walls *vs.* J. J. Finley, contestants for the representation of the second district of the State of Florida in the Forty-fourth Congress of the United States.

On this 20th day of October, A. D. 1875, personally appeared before me, J. D. Stanbury, a notary public in and for said county and State, James D. Tannehill, attorney for Josiah T. Walls aforesaid, and John E. Hartridge, attorney for Jesse J. Finley aforesaid. Mr. J. D. Tannehill presented in evidence in favor of the said Josiah T. Walls a return accepted by the State board of canvassers of an election held in said county of Saint John's, marked "Exhibit A," and hereunto attached.

John E. Hartridge excepted to the above returns being so offered in evidence, because no notice was given to the said Jesse J. Finley that such returns would be so offered.

Deposition of John B. Stickney.

JOHN B. STICKNEY, county judge of said county, being duly sworn, deposes and says he was county judge of said county, and as such was one of the county canvassers of an election held for the election of a member of Congress, from the second congressional district of Florida, November, A. D. 1874, and, as such canvasser, and with the other canvassers, viz, the clerk of the circuit court and a justice of the peace, made a return of said election to the State canvassers, and recognizes a paper marked "Exhibit A" as a copy of the returns so made to the State canvassers, and believes it to be a true copy; that he arrived at the fact of the irregularity at Moccasin Branch precinct, from which it appears that A. C. Rogero was not sworn, from the returns; that the returns from said precinct were signed by the said A. C. Rogero, as one of the inspectors, and that the oath required of inspectors did not appear to have been administered to the said Rogero, although signed by him; that the irregularity at Osceola precinct, and all the other precincts, as noted on the return made to the State canvasser, were arrived at and noted from the inspection of the returns made to the county canvassers from the several precincts; that at Osceola precinct, the returns showed that George Coler was an inspector, and as such inspector signed the election-returns; that the oath required to be taken by the inspectors, although signed by him, does not appear to have been administered to him; that in regard to the irregularity at Sampson pre-

cinct, the returns showed that H. M. Emmersly was an inspector, and as such inspector, signed the election-returns; that the oath required to be taken by the inspector, although signed by him, does not appear to have been administered to him; that the poll-list of said precinct was not signed by any of the inspectors of that precinct; that at Haw Creek precinct, the returns showed that J. J. Harvey was an inspector of election at that precinct, that he acted as chairman of the board of inspectors at that precinct, and as such administered the oath to the other inspectors, but it does not appear that the oath was administered to him, although signed by him; that the poll-list from said precinct was not signed by any of the inspectors, or by the clerk; that the poll-list at Sampson precinct was not signed by the clerk; that the copy of the list of the registered voters returned by the inspectors of election at Saint Augustine precinct, with their other returns, was not certified to by the clerk of the court, as a certified copy of the list of the registered voters of said county; that the poll-list of said precinct is unaccompanied by any certificate whatever; that the poll-list of Moccasin Branch was not signed by any of the inspectors, or by the clerk of election; that all the votes cast at the above-mentioned precincts, where the said irregularities occurred, were canvassed by the said board of county canvassers, and returned to the State board of canvassers.

That the entire testimony of J. B. Stickney is objected to, on the following grounds, by counsel for J. J. Finley:

1st. That it is not confined to the allegations of the answer of J. T. Walls.

2d. That it is not the best evidence that the case will admit of.

3d. That there is no allegation about the poll-list not being signed.

4th. Because his testimony is based upon the report made to the State canvassers.

5th. Because there is no allegation about the poll-list of Saint Augustine precinct not being certified by the clerk of the court.

6th. Because it is based upon information and belief, drawn from the precinct returns.

Cross-examined:

I am a member of the republican party. Was in Saint Augustine when the election took place. As far as I know, the election was a fair one, and I believe was a fair one; was not at Moccasin Branch precinct on the day of election, about which the above testimony is given; was not at any precinct except Saint Augustine precinct; that my information is derived from the returns from the said precincts, and not from my individual connection with the precinct elections.

(The counsel for J. T. Walls objects to the entire cross-examination of J. B. Stickney—

1st. Because the facts developed are not based on the direct examination.)

Redirect:

The returns upon which I base my information as above given in evidence are the returns sent by the inspectors of election at the different precincts to the clerk of the circuit court and to myself as judge of the county court. That the said returns embrace the oath required to be taken by the inspectors by the clerk of the election; the inspectors and clerk's return of the election; the poll-list and the ballots cast, all of which were received in the ballot-boxes, locked and sealed, and returned to the clerk of the circuit court, and were opened and canvassed in the

presence of the said clerk of the circuit court, myself, and a justice of the peace; that a duplicate of the election-returns of each of said precincts, signed by the inspectors and clerk, in a sealed envelope, addressed to me as county judge, was received by me. That the returns now here exhibited I have examined and recognized as the returns of the inspectors from the different precincts from which the said board of county canvassers made their return to the State canvassers, as aforesaid. That the said returns also included a copy of the list of names of all persons duly registered as electors. That the returns now exhibited to me as above stated are from those precincts in which I have testified as to the irregularities as above stated.

(Counsel for J. J. Finley objects to the redirect testimony of J. B. Stickney on the same grounds as aforementioned.)

JOHN B. STICKNEY.

Subscribed and sworn to before me this 20th day of October, A. D. 1875.

J. D. STANBERRY,
Notary Public.

Deposition of H. M. Emmerly.

H. M. EMMERLY, being duly sworn, deposes and says: He was one of the board of county canvassers of an election held for the election of a member of Congress from the second congressional district of Florida, November, 1874; that the said board of canvassers made a return of the said election to the State board of canvassers, and that the said return was based upon the returns made from the different precincts of said county.

(The above testimony objected to by counsel of J. J. Finley, on the following grounds:

1st. That it is not the best evidence the case will admit of.

2d. That it does not conform to the allegations of the answer of J. T. Walls.)

Cross-examined:

I was a justice of the peace and an inspector of election at Sampson precinct. Swore the other two inspectors in, and also the clerk of election; do not remember if I was sworn myself as inspector; was at the poll all day at that precinct; that the election was conducted fairly and honestly to the best of my knowledge at that precinct; am a colored man, and a member of the republican party.

(Counsel for J. T. Walls objects to the above cross-examination of H. M. Emmerly—

1st. Because it is not a legitimate cross to the direct examination.)

H. M. EMMERLY.

Subscribed and sworn to before me this 20th day of October, 1875.

J. D. STANBERRY,
Notary Public.

EXHIBIT A.

Certificate of the county canvasser. (See section 24, act of August 6, 1868.)

STATE OF FLORIDA,

Saint John's County :

We, the undersigned, John B. Stickney, judge of the county court of the county stated, and Bartolo F. Oliveros, *ad interim* clerk of the circuit court of the county aforesaid, and H. M. Emmerly, a justice of the peace of the county above mentioned, constituting the board of county canvassers in and for the county stated, do hereby certify that we met at the office of the clerk of the circuit court of the county aforesaid on the fifth day of November, the same being two days after the general election held in the county of Saint John's and State aforesaid, on Tuesday the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto approved February 27, 1872. We do hereby certify from the returns on file in the office of the clerk aforesaid—

That the whole number of votes cast for Representative in Congress was six hundred and forty-seven, (647,) as follows, viz:

Jessie J. Finley received four hundred and thirty-nine votes, (439.)
Josiah T. Walls received two hundred and eight votes, (208.)

That the whole number of votes cast for State senator, none.

That the whole number of votes cast for member of assembly was six hundred and forty-four; (644,) as follows, viz:

Thomas T. Russell received four hundred and twenty votes, (420;)
Thomas I. Russell received sixteen votes (16); Francis E. Mitsell received two hundred and six votes, (206;) and F. E. Mitsell received two votes, (2.)

For constable, Tolony Ponce received four hundred and twenty-nine votes, (429.) James Osteen received four hundred and twenty-nine votes, (429.) F. L. Klipstein received four hundred and twenty-three votes, (423.) Fred L. Klipstein received six votes, (6.) Domingo M. Papy received two hundred and five votes, (205.) Alfred Orange received two hundred votes, (200.) Philip Green received two hundred votes, (200.)

Witness our hands and seals of office at Saint Augustine, in the county aforesaid, this sixth day of November, in the year of our Lord one thousand eight hundred and seventy-four.

JOHN B. STICKNEY,

Judge of the County Court, Saint John's County.

BARTOLO F. OLIVEROS,

*Clerk of the Circuit and County Courts
of Saint John's County, ad interim.*

H. M. EMMERLY,

Justice of the Peace of Saint John's County.

Statement by canvassers.

The following informalities appear in the returns from the various precincts in the county:

A. E. Rogers, at Moccasin Branch, does not show to have been sworn.

Geo. Coles, inspector at Oceola precinct, does not show to have been sworn.

H. M. Emmerly, inspector at Sampson, does not show to have been sworn.

I. I. Harvey, inspector at Haw Creek, does not show to have been sworn.

Saint Augustine precinct, the certificate of the clerk written out but was not signed by him, and did not have the seal of the court upon it.

That the vote in said five precincts have been included and counted in the foregoing certificate of the county canvassers; that we did not throw out these precincts, but concluded to present the above facts to the State canvassers.

JOHN B. STICKNEY,

County Judge.

BARTOLO F. OLIVEROS,

Clerk Circuit Court.

H. M. EMMERLY,

Justice of the Peace, Saint John's County.

STATE OF FLORIDA,

Office of the Secretary of State :

TALLAHASSEE, *January 27, 1875.*

I, Samuel B. McLin, secretary of state, State of Florida, do hereby certify the foregoing to be a true and correct copy of the original on file in the office of the secretary of state.

In testimony whereof I have hereunto set my hand and affixed the great seal of the State of Florida, at Tallahassee, the capital, this the 27th day of January, A. D. 1875, and of the Independence of the United States the ninety-ninth year.

[SEAL.]

SAM. B. McLIN,
Secretary of State.

EXHIBIT B.

List of registered voters within the county of Saint John's, State of Florida, as revised by the board of county commissioners September 28, 1874, in accordance with "An act to provide for the registration of electors and the holding of elections," approved by the governor August 6, A. D. 1868, giving the names of all those registered according to said act to the 27th October, A. D. 1874.

Armstrong, William
Adams, Hector
Andrew, John
Andrew, Emanuel
Ashton, James F.
Arnan, Paul
Andrew, Claudio
Atwood, George W.
Andrew, Mathias
Andrew, Francis P.
Andrew, William, 1st.
Ashton, William D.
Andrew, Joseph

Allen, John
Arnan, Francis C.
Allen, James W.
Andrew, John R.
Anderson, Andrew
Alvares, Sandy
Alvares, Paul
Andrew, Antonio, jr.
Adams, George
Andrew, Antonio, sr.
Allen, Darius
Allen, Daniel
Apeler, John F.

Andrew, William, 2d.
 Allen, Benjamin C.
 Apelar, H. M.
 Allen, Edward
 Andrew Robert
 Arnau Peter
 Adams, Tony
 Atwell, Richard
 Atkins, William H.
 Apeler, J. C.
 Avice, Alex. F.
 Benjamine, Stephen
 Benjamine, Philip
 Benjamine, William
 Bravo, Donato
 Benet, Ravina I.
 Booth, John I.
 Baya, Florence
 Brown, Daniel
 Benjamine, Stacio
 Blackwelder, William
 Barnes, Cordin
 Black, John W.
 Braddock, O. F.
 Benet, Joseph, sr.
 Bohu, Charles H.
 Britt, John
 Burt, George
 Bravo, Christobal
 Benet, Francis
 Bridier, Theodore F.
 Bravo, A. B.
 Booth, William
 Benet, Joseph J.
 Benet, Ancelmo
 Bronson, O. J.
 Blake, Daniel
 Bell, Samuel
 Benjamine, Edward
 Bohannan, Duncan
 Baya, Joseph
 Bram, Charles H.
 Burn, Robert
 Briggs, Henry
 Bram, Charles C.
 Bridier, T. E.
 Byrne, James M.
 Ballard, Fred. J.
 Bridier, John
 Burus, Adam
 Bryant, Alexander
 Burns, Henry
 Benedee, Charles
 Britt, Benomie
 Benet, Nicasio
 Blanchard, Cornelius

Bird, J. W. S.
 Baya, Elutario
 Braddock, I. D.
 Braddock, L. A.
 Bradford, William
 Black Washington
 Bardin, Simeon R.
 Braden, George W.
 Braden, James
 Booth, William I.
 Booth, A. J.
 Braddock, William D.
 Brown, Asbury
 Berry Louis
 Brainard, Joseph
 Bronson, Oliver
 Bram Sandy
 Butler, Michael
 Battie, M. H.
 Booth, James F.
 Burnside, George
 Brown, M. John
 Bradford, James A.
 Bell, Daniel I.
 Bennett, J. D.
 Bumsed, James
 Braddock, James A.
 Boyce, James G.
 Clever, Gabriel Edward, c.
 Canova, John C.
 Canova, John O.
 Capo, Philip
 Carter, David
 Corbitt, A. W.
 Capellier, Anastasio
 Capo, John I.
 Capo, Venancio
 Capo, Lewis
 Craft, James F.
 Crawford Daniel
 Cuttin, Charles, c.
 Capellia, Siberino
 Crosby, Lewis, c.
 Colee, J. L.
 Canova, Alexander
 Crawford, Archibald
 Crosby, T. C. S.
 Cantus, H.
 Carter, Henry Tillman
 Carter, Benjamin Riley
 Cooper, W. P.
 Cooper, M. R.
 Coleman, T. T.
 Cabbage, George H.
 Carr, John F.
 Coss, James

Crosby, Samuel, c.
 Coleman, Stephen
 Conova, B. C.
 Cushing, W. H.
 Colee, William
 Conova, James
 Colee George, sr.
 Copeland, John, c.
 Capo, William, sr.
 Clark, Benjamin, c.
 Capo, William, jr.
 Carter, George
 Caravas, Stephen
 Canova, Isidore
 Canova, Andrew P.
 Carter, James
 Carter, John
 Calton, Joseph, c.
 Colee, George, jr.
 Colee, Charles H.
 Call, Elber
 Crosby, Sheppard
 Cook, J. L.
 Canova, L. T.
 Capo, Joseph B.
 Cain, Jacob
 Conora, I. R.
 Capo, Victoriana
 Carey, Robert
 Crawford, Thomas
 Cubbage, E. S.
 Capella, Lawrence
 Campbell, William
 Cole, Cornelius
 Cathran, I.
 Conklin, E. R.
 Drysdale, Irvine
 Delancy, Benjamin
 Darling, John
 DeMedices, E. McJ.
 Dupont, Cornelius
 Dunham, Fatio
 Dunham, David Louis
 Dupont, V. R.
 Drysdale, John
 Delespine, William
 Dupont, Benjamin E.
 Dickenson, William M.
 David, J. W.
 Danford, Charles
 Dews, John
 Davis, James
 Davis, Reuben
 Desselberger, William
 Davis, Richard

Dunham, F. P. T.
 Davidson, Richard, c.
 Doyle, Jerry
 David, G. R.
 Dennison, J. W.
 Dumas, Henry B.
 Davis, Benjamin
 Davis, G. W.
 Davis, W. J.
 Dennison, W. P.
 Eatman, C. L.
 Edwards, George, c.
 Eugene, Fortune
 Elderton, Thomas
 Edge, Albert James
 Emmerly, Henry M., c.
 English, Edward, c.
 Emery, Geo. H.
 Foster, George H.
 Felin, Aaron, c.
 Floyd, Adam, c.
 Foster, Godfrey
 Ferris, Stephen
 Fasho, John
 Foster, W. T.
 Futch, Joshua
 Francis, Frank, c.
 Floyd, Stephen
 Floyd, H. H.
 Foster, Benjamin, c.
 Floyd, Robin, c.
 Fuguay, L.
 Frohn, Ernest
 Forward, Michael, c.
 Forrester, Amos, c.
 Frazer, John, c.
 Fleming, Henry
 Falany, Roman
 Falany, Peter
 Fry, W. A.
 Futch, Henry
 Floyd, A. B.
 Futch, James H.
 Fearand, S. W.
 Falany, Thomas
 * Ferria, W. G.
 * Jacob Fell, c.
 * Furgerson, Washington, c.
 Granger, Nicholas, c.
 Granger, Frank, c.
 Gibbs, Lucius, c.
 Gibbs, Jacob, c.
 Gray, Pablo, c.
 Glover, Jacob, c.
 Goss, Andrew J.

* Sworn in, and added to list of 805, making 808.

Genovar, Bartolo
 Genovar, William
 Gettes, August, c.
 Greeno, George S.
 Gionople, George
 Growel, James, c.
 Gratoski, Franz
 Graper, John
 Graves, Albert
 Goodman, Jacob
 Gifford, Hastings
 Gilbert, Joshua W.
 Gilbert, Abijah
 Greatorox, F. H.
 Green, Philip
 Gordon, R. H.
 Gruver, Andrew
 Glenn, Antonio
 Gomez, Philip
 Galloway, Larry
 Gray, Sampson
 Genovar, Frank B.
 Green, Daniel
 Granger, Peter
 Gilbert, Benjamin C.
 Glass, Andrew
 Gore, W. E.
 Green, W. I.
 Griffiths, Seward
 Holmes, David, c.
 Hancock, Miles, c.
 Huertas, John, c.
 Huling, William, c.
 Hernandez, Ramon
 Hartshorn, James
 Huertas, Antonio, c.
 Harrison, John, c.
 Huertas, Robert, c.
 Harvey, James J.
 Hart, Allen, c.
 Hildreth, Joseph A.
 Hughes, Isavel P.
 Hern, Ceasar
 Hernandez, Joseph T.
 Hernandez, Deigo
 Hernandez, Alonzo
 Hudnall, S. D.
 Holmes, Robert, c.
 Hicks, W. B., c.
 Hernandez, William
 Hunter, Edward
 Houston, Edward J. C.
 Hammond, Benjamin, c.
 House, Thomas T.
 Hernandez, Eugene
 Hargraves, W. T.

Hildreth, A. A.
 Hern, Richard, c.
 Harrison, Herman
 Huertes, Terry, c.
 Hammond, Adam, c.
 Hawkins, Clem, c.
 Hammond, Emanuel
 Hicks, Joshua, c.
 Hopkins, Daniel
 Hudnall, William
 Hagins, William T.
 Hamilton, Rich, c.
 Havey, L. J.
 Hughes, Simeon
 Harrison, Mouroe
 Irvin, J. J.
 Irvin, John A.
 Iwanoski, Alexander
 Irvin, Raymond
 Ingraham, W. Milford.
 Jourdon, Nelson, c.
 Johnson, Meade, c.
 Johnson, Abraham, c.
 Jankus, Frank, c.
 Jones, John Richard
 Jubes, George, c.
 Jenkins, Wiley, c.
 Johnson, William
 Johnson, C. E.
 Joyce, E. F.
 Johuson, Daniel, c.
 Johnson, William H.
 Jones, John
 Jones, Irvine
 Johnson, Frank, c.
 Jackson, Nathaniel, c.
 Jackson, William H.
 Jackson, Henry
 Johnson, Paul
 Jackson, John, c.
 Jonier, Moses
 James, Richard, c.
 Jones, James H.
 Jarvis, William
 Johnson, Abel, c.
 Jenkins, Henry, c.
 Johnson, Earick
 Jenkins, Abraham, c.
 James, Benjamin
 Keilmier, Jno.
 Knight, Samuel
 Kliepstein, Frederick L.
 Kernan, William A.
 Knowlton, George N.
 Knowlton, Daniel R.
 Llambias, Antonio M.

Leonardy, Joseph
 Lincoln, Charles D.
 Long, John G.
 Llambias, J. F.
 Llambias, D. J.
 Leonardy, Celestial
 Leonardy, John D.
 Leonardy, Joseph, 2d
 Leonardy, Mathias, 1st
 Lawler, Michael
 Lopez, Antonio
 Leonardy, Mathias, jr.
 Lee, W. R.
 Lyon, Walter
 Lycurgus, George, c.
 Lopez, Edward
 Livingston, H. Calviu
 Leonardy, Fernanda
 Lopez, Emanuel, 2d
 Lopez, William H.
 Lopez, Domingo
 Ludwig, John C.
 Lopez, Augustine
 Lee, Levi
 Lopez, Andrew, sr.
 Lloyd, John
 Lapine, Thomas
 Lopez, Ignacio
 Lopez, John P.
 Leonardy, George
 Lopez, Justo.
 Lopez, Bartolo
 Lopez, Andrew M.
 Laurcey, John
 Lopez, Emanuel, 1st.
 Lopez, Patrinello R.
 Lopez, I. D.
 Lopez, Jerome
 Lopez, A. E.
 Lee, J. J.
 Laroche, Otto
 Mongin, John, c.
 McKinney, Israil, c.
 McKinney, Richd, c.
 Martin, Lewis, c.
 Mickler, Wm.
 Martin, Benjamin, c.
 Mickler, James A., 2d.
 Masters, John S.
 Metts, L. D.
 Masters, Bartolo
 Mier, Venancio
 Mauncy, John
 Masters, Casemero P.
 Mickler, James A., 1st.
 Masters, Peter C.

Masters, Peter A.
 Masters, Peter B.
 Mauncy, Mark M.
 Masters, James
 Mickler, Wm. A.
 Mims, John
 McCann, Dennis
 Miller, Daniel
 Miller, James I.
 Middleton, David D.
 Mahr, Ernest
 Moreson, Fritchiff
 Mier, Tileno
 Masters, Desidaro
 Mitchell, G. K.
 Metts, T. J.
 McKinney, Elleck
 Michell, Charles
 Myers, Frederick
 Mickler, D. J.
 Masters, Casemero A.
 Masters, Joseph E.
 Mickler, Robert D.
 Mier, Antonio G.
 Masters, B.
 Masters, Jasper
 Masters, B. A.
 Masters, Bartolo, jr.
 Miller, John
 McNiell, A., c.
 Martin, Alex. P., c.
 Masters, Philip J.
 Martin, Mariano, c.
 Morrils, James, c.
 Mickler, Robert
 McKinney, George, c.
 Macutchen, Harvey, c.
 Morriss, John S.
 Murry, John
 Mickler, Yulee
 Messman, John
 Mickler, John Henry
 Morriss, James, c.
 Mickler, Paul
 Martin, Stephen, c.
 Mumford, Sutton, c.
 McKeever, Abraham, c.
 Mier, Edward
 Masters, Antonio
 Mickler, Robert A.
 Mollerson, John H.
 Mitchell, Frank
 McKinney, Wm.
 Myers, Jerimiah
 Masters, John P.
 Masters, Peter Andrew

Masters, Marion T.
 Miller, Allen
 Mauncy, Obraias
 Moore, Cyrus, c.
 Malenor, M. M.
 Miranda, Frank
 McKenzie, J. A. K.
 Moore, Isaac, c.
 Mickler, Weedman
 Morgan, Edward
 Middleton, A. W.
 Malphres, Jessie
 McMahan, John
 Mickler, Louis J.
 Masters, Emanuel F.
 McSwain, P.
 Moran, William
 McCullar, Perry
 Mickler, M. F.
 McNeill, R. N.
 McKinney, Rich, jr.
 Masters, Sylvester
 Mumford, William
 Nathel, Richard, c.
 Nathel, William, c.
 Newman, John, c.
 Noda, Antonia J.
 Neligan, Henry H.
 Nessler, John
 Navian, Jeff, c.
 Noales, T. A.
 Noda, Raymond
 Nash, William
 Nathel, John, c.
 Noda, Emanuel
 Nesby, Jacob
 Newman, James
 Nathel, Wm. R., c.
 Nelson, George
 Nathel, Wm., 1st, c.
 Nennert, Oscar
 Nelson, Joseph F.
 Nelson, Richard R., c.
 Osborn, Emanuel, c.
 Oliveras, Bartola
 Oliveras, B. F.
 Ortagas, Ignacio
 Osteen, James
 Osteen, Jack
 Osteen, William
 Ortagas, Antonia
 Ortagas, John
 Overstreet, Amos, c.
 Orange, Alfred, c.
 Ortagas, Prudencio
 O'Neill, Peter

Esterreicher, J. W.
 O'Donoghue, Patrick
 Papino, George, c.
 Papino, George, jr.
 Pacetti, Domingo D.
 Pellicier, John
 Pacetti, A. N.
 Pacetti, A. B.
 Perpall, Chas. F.
 Pellicier, Antonio
 Papy, Antonio, c.
 Pacetti, Bartolo A.
 Phillips, John L., sr.
 Pacetti, B. J.
 Pacetti, Crecemcio
 Pacetti, Jas. R.
 Pomar, Antonio
 Parker, Frederick
 Pomar, C.
 Pacetti, John S.
 Powers, Benjamin
 Pacetti, Felix F.
 Ponce, Toloway
 Pomar, William
 Pellicier, Andrew J.
 Ponce, James B.
 Pomar, Peter
 Pomar, Gabriel S.
 Pappy, William, c.
 Philips, Ansel
 Pacetti, Peter
 Pellicier, Caledosiro
 Powers, Alexander
 Parker, Lymus
 Pellicier, Peter
 Ponce, James A.
 Papy, Domingo M., c.
 Pellicier, Bravo
 Pellicier, J. G.
 Pellicier, Edward
 Ponce, Alonzo
 Ponce, W. G.
 Pacetti, Gabriel N.
 Powers, George C.
 Pacetti, T. A.
 Pomar, Antonio C.
 Pendleton, W. S.
 Paine, Simon, c.
 Ponce, Isadora
 Papino, Antonia, c.
 Perry, Henry, c.
 Pinkham, William
 Pallicer, Frank R.
 Pierron, George
 Pomar, Joseph E.
 Pellicer, Frank P.

Payton, Mathew	Russ, John
Picket, John H.	Rogero, Raymond R.
Papino, John	Sauche, Simeon, c.
Proctor, Cato	Stevens, Domingo, c.
Perry, Roses	Staunberry, J. Downing
Ponce, Francis F.	Sanchez, Venancio
Pope, Jonathan	Simms, Henry W.
Pope, James	Sanchez, Joseph
Patterson, Alexander, c.	Saunders, Sykes, c.
Prescott, Thomas C.	Sunday, William, c.
Pomar, Bartolo	Stickney, John B.
Pacetti, S. B.	Solona, Philip
Pacetty, I. L.	Snowden, Edward
Paris, R. C.	Snow, H. M.
Purcell, William S.	Solona, C. M.
Pappy, F. A.	Sabate, Paul
Paine, Balaam, c.	Simms, John
Ponce, Alonzo	Seque, Bartolo
Pearson, James	Simms, Jos. L.
Pacetti, S. N.	Smith, Jack
Philips, Samuel D.	Southwick, Benjamin
Robinson, John C.	Sanchez, F. M.
Reddick, Peter, c.	Sessions, Daniel, c.
Rogero, A. D.	Seville, Bartolo, c.
Reyes, William J.	Sank, Adams, c.
Riley, Benjamin, c.	Sanchez, Ramond, c.
Robinson, William Howell	Sanchez, William
Reyes, John	Smith, Class, c.
Rogero, A. C.	Sanders, Sandy, c.
Robert, John F.	Speissegger, T. W.
Reyes, Claudia	Spesseigger, I. F.
Rogero, Nicholas	Simms, Scippio, c.
Reynolds, C. O.	Sanders, Henry, c.
Russell, W. W.	Simmons, Thomas, c.
Rhodes, Albion	Sanders, Sykes, jr., c.
Rivers, Joseph	Sherman, William F.
Russell, Thomas T.	Sprague, John T.
Rogero, Francis E.	Speissegger, H. I.
Ransom, Joseph	Spear, James H.
Rose, Bartolo	Skidmore, I. W.
Rogero, Francis	Sevelly, Samuel M., c.
Rogero, Ramond	Skidmore, P. H., jr.
Rogero, John	Scott, Benjamin, c.
Relf, I. S.	Speissegger E.
Raulerson, Robert	Starling, Thomas
Raute, Felix	Sanks, Peter, c.
Raulerson, Mathew	Sanks, Tip, c.
Rogero R. Raymond	Sevelly, Samuel, c.
Reddick, Pierce	Self, Benjamin I.
Raulerson, James	Solona, Manuel
Raulerson, W. F.	Stone, Isaac
Rosier, C. H.	Solona, Bartolo
Russell, Edward	Smith, A. D.
Ridgley, George	Sopp, William
Randall, J. N.	Stansky, John
Rake, J. D.	Solona, C. W.
Raulerson, James F.	Sequi, Celestino

Sorrell, O. E.
 Shine, W. T.
 Simmons, J. Hume
 Steward, Jake, c.
 Sanchez, James P.
 Sequi, John
 Sevelly, Frank, c.
 Schwerzenback, William
 Smith, Henry
 Sequi, J. F.
 Sanchez, M. R.
 Simms, David Henry
 Stephens, Milton
 Starling, William M.
 Sorrell, J. F.
 Stratton, Samuel
 Stratton, David
 Smith, John
 Sanchez, Edward L.
 Stephen, Robert
 Smith, John
 Sabate, R. P.
 Sanders, Sampson
 Summersill, William
 Sewell, John Henry
 Sheppard, Abraham
 Sevelly, James
 Sanchez, I. P.
 Twine, William, c.
 Triay, Francis
 Turner, Benjamin
 Twine, David, c.
 Taylor, William
 Triay, Ignacio
 Thompson, Edward
 Tannehill, J. D.
 Turner, Ignacio
 Taylor, William, jr.
 Thomas, J. C.
 Triay, Peter
 Triay, Philip Robert
 Triay, T. A.
 Triay, Fustino A.
 Tones, John
 Thomas, James, c.
 Triay, John
 Thigpen, John L.
 Tillman, Titus
 Usina, Michael
 Usina, D. B.
 Usina, M. S.
 Usina, Albert
 Usina, Philip
 Van Dyke, William, c.
 Van Ness, W. M.
 Van Balsam, Henry

Van Balsam, R.
 Wilson, Jacob, c.
 Williams, Thomas, jr., c.
 Waiters, Balsam, c.
 Wally, Michael, c.
 Walton, George W.
 Weedman, Alexander
 William, Samuel H.
 Wilkerson, Asa
 Weedman, Paul S.
 Walker, W. A.
 Walton, George H. H.
 Weedman, Philip
 Williams, Henry H.
 Witsell, F. E., c.
 Watkins, William F.
 Wilkerson, Asa, jr.
 Wayne, John, c.
 Williams, Tom, c.
 Winsley, Henry, c.
 Waterbury, Daniel
 Wanton, Philip, c.
 Williams, Simon, c.
 Weeks, John P.
 White, Henry
 Wally, Joseph, c.
 Williams, Jack, c.
 Westcott, John
 Wilson, Richard
 Wescott, I. W.
 Walker, Jesse
 Wood, Alfred
 Warner, Thomas A.
 Warren, Isaac
 Winsley, Morris
 Wilkerson, William
 Wilson, Sandy B., c.
 Williams, Henry
 Williams, Thomas H.
 Williams, Jordan
 Williams, Jessie
 White, U. I.
 Walker, William H.
 Washington, George
 Watson, D. G. T.
 Wanton, Charles, c.
 Whaley, Louis
 Wilson, S. B., c.
 Williams, C. W.
 Ximenier, Antonio
 Ximenier, Rafael
 Ximenier, Andreas
 Young, Antonio
 Yelvington, Gideon
 Yelvington, Andrew
 Young, Charles

OFFICE OF CLERK OF THE CIRCUIT COURT FOR SAINT JOHN'S COUNTY,
FOURTH JUDICIAL CIRCUIT.

NOVEMBER 2, 1874.

I, Bartolo F. Oliveras, clerk *ad interim* of the said circuit court and ex-officio clerk of the county court for Saint John's County, do hereby certify that the foregoing, comprising eight hundred and five (805) names of all the persons duly registered as electors of said Saint John's County on the twenty-seventh (27th) day of October, A. D. 1874, is a true and correct copy, transcribed from said book of registration.

Witness my hand and the seal of said circuit court, at Saint Augustine, the day and year above written.

EXHIBIT C.

Poll-book or list of votes given at Saint Augustine precinct, (at the courthouse,) at an election held on the 3d day of November, A. D. 1874.

- | | |
|-----------------------|------------------------|
| 1 Lopez, Andrew, sr. | 37 McNeil, A. |
| 2 Moran, William | 38 Ingraham W. Milford |
| 3 Scott, Benjamin | 39 Papy, Antonio |
| 4 Pomar, C. | 40 Sanchez, M. R. |
| 5 White, U. J. | 41 Gibbs, Jacob |
| 6 *Bell, Dan'l | 42 Adams, Hector |
| 7 Mickler, William | 43 Floyd, Stephen |
| 8 Jenkins, Abraham | 44 Sanchez, Simon |
| 9 Bram, Sandy | 45 Papy, Domingo M. |
| 10 Huling, William | 46 Lopez, Andrew M. |
| 11 Lopez, A. E. | 47 Triaz, Francis |
| 12 Jenkins, Wiley | 48 Allen, Darius |
| 13 Leonardy, John D. | 49 Gomez, Philip |
| 14 Nelson, Jordan | 50 Papino, John |
| 15 Capella, Lawrence | 51 Manucy, Mark M. |
| 16 Calton, Joseph | 52 Carr, John T. |
| 17 Nesby, Jacob | 53 Llambrias, J. F. |
| 18 Benjamin, Philip | 54 Emery, G. H. |
| 19 Masters, John S. | 55 Usina, Philip |
| 20 Wally, Joseph | 56 Paris, R. C. |
| 21 Benjamin, William | 57 Van Dyke, Wm. |
| 22 Forward, Michael | 58 Rake, J. D. |
| 23 Ransom, Joseph | 59 Johnson, Meade |
| 24 Ponce, W. G. | 60 Berry, Louis |
| 25 Martin, Mariano | 61 Burns, Adam |
| 26 Llambias, D. J. | 62 Floyd, A. B. |
| 27 Drysdale, John | 63 Sevelly, James |
| 28 Knowlton, Dau'l R. | 64 Solana, Philip |
| 29 Colu, Chas. H. | 65 Allen, Daniel |
| 30 Knowlton, Geo. N. | 66 Pacetty, S. J. |
| 31 Benet, Francis | 67 Ponce, Talomy |
| 32 Williams, Simon | 68 Andrew, Robert |
| 33 Ximenes, Antonio | 69 Ponce, Alonzo |
| 34 Call, Elber | 70 Baya, Joseph |
| 35 Colu, George, jr. | 71 Segui, Celestine |
| 36 Benjamin, Stephen | 72 Pacetti, B. J. |

73	Arnan, Peter	128	Graves, Albert
74	Reddick, Peter	129	Snowden, Edward
75	Harrison, Hermon	130	Desselberger, William
76	Masters, Gasper	131	Lopez, Ignacio
77	Narion, Jeff.	132	Granger, Frank
78	Canova, Alexander	133	Holmes, David
79	Triay, Peter	134	Floyd, Robin
80	Braddock, O. F.	135	Thomas, James
81	Nattul, Williams	136	Granger, Peter
82	Ponce, James	137	Hopkins, Daniel
83	Hartshorn, James	138	Smith, Henry
84	Masters, Marion T.	139	Mumford, Sutton
85	*Miranda, Frank	140	Felin, Aaron
86	Martin, Benjamin	141	James, Richard
87	Dupont, Cornelius	142	Nelson, Richard R. *
88	Capo, Victoriano	143	Floyd, Adam
89	Ponce, James B.	144	Wayne, John
90	Sabate, Paul	145	Hamilton, Richard
91	Lopez, Justo	146	Sanchez, Venancio
92	Mickler, Paul	147	Williams, Samuel H.
93	Sanchez, James P.	148	Campbell, William
94	Noda, Antonio J.	149	Pacetti, A. N.
95	Reyes, Wm. J.	150	Delaney, Benjamin
96	Hern, Caesar	151	Pierron, George
97	Clark, Benjamin	152	Bradford, James A.
98	Granger, Nicholas	153	Snow, H. M.
99	Newman, James	154	Rogers, Nicholas
100	Sanchez, William	155	Masters, Sylvester
101	Andrew, Mathias R.	156	Arnaw, Paul
102	Andrew, Claudio	157	Williams, Henry H.
103	Pacetti, Jos. R.	158	Canova, James
104	Masters, Bartolo	159	Allen, James W.
105	Papino, George jr.,	160	Canova, John C.
106	Smith, John	161	Manucy, Oleveros
107	Ostigas, Prudencio	162	Coss, James
108	Pelleces, Antonio	163	Burn, Robert *
109	Usina, D. B.	164	Glenn, Antonio
110	Russ, John	165	Payton, Mathew
111	McKeever, Abraham	166	Manucy, John
112	Washington, George	167	Huertas, Robert
113	Sewell, John Henry	168	Benet, Joseph, sr.,
114	Lee, W. R.	169	Benet, Nicasio
115	Doyle, Jerry	170	Canova, L. T. *
116	Papy, William	171	Hagin, William T.
117	Rogers, Raymond	172	Masters, Bartolo F.
118	Thompson, Edward	173	Atwell, Richard
119	Britt, John	174	Growell, James
120	Sevelly, Frank	175	Young, Charles
121	Mitchell, G. K.	176	Morris, James
122	Walton, George H. H.	177	Ximenes, Andres
123	Andrew, Emanuel	178	Salana, C. M.
124	Wilson, Jacob	179	Johnson, Abel
125	Irwin, John A.	180	Burns, Henry
126	Usina, Michael	181	Papino, George
127	Reyes, John	182	McKinney, Israel

*Challenged and sworn.

183 O'Donoghue, Patrick *	238 Pomar, Antonio
184 Gettes, August	239 Noda, Emanuel
185 Pacetti, Bartolo A.	240 Gordon, R. H.
186 Weedman, Alexander	241 Pinkham, William
187 Bravo, Christobal	242 Cleaver, Gabriel Edward
188 Masters, Emanuel F.	243 Rigley, George
189 Newman, John	244 Lopez, Bartolo
190 Sanders, Sampson	245 Gray, Pablo
191 Triay, Ignacio	246 Pellicer, Peter
192 Capo, Philip	247 Carreras, Stephen
193 Benet, Ravina J.	248 Sabate, R. P.
194 Robiunson, William Howell	249 Sprague, John T.
195 Allen, Edward	250 Adams, Tony
196 Johnson, Daniel	251 Ximines, Rafael
197 Mickler, M. F.	252 Harrison, John
198 Hernandez, Eugene	253 Brown, Daniel
199 Benjamin, Edward	254 Pellicer, Frank R.
200 Wal'ey, Michael	255 Cook, S. L.
201 Pellicer, Celedonio	256 Capo, Joseph, B.
202 Martin, Alexander P.	257 Saunders, Syke
203 Grover, Andrew	258 Morrils, James
204 McKinney, Elick	259 Waiters, Balaam
205 Hern, Richard	260 Solana, C. N.
206 Hancock, Miles	261 Pacetti, John S.
207 Canova, J. R. *	262 Benet Joseph F.
208 Simmes, David Henry	263 Huartas, John
209 Williams, Jordon	264 Andrew, Joseph
210 Coleman, Stephen	265 Genovar, Frank B.
211 Francis, Frank	266 Shine, W. F.
212 Hernandez, James V.	267 Winsley, Morris
213 Fey, William A.	268 Whaley, Louis
214 Gass, Andrew J.	269 Gibbs, Limus
215 Sebelles, Bartolo	270 Usina, Albert
216 Barnes, Cordin	271 Stickney, John B.
217 Smith, Jack	272 Masters, Peter C.
218 Masters, Desidaro	273 Ferreira, W. G.†
219 Hammond, Adam	274 Witsell, F. E.
220 Capo, Lewis	275 Purcell, William S.
221 Hammond, Benjamin	276 Drysdale, Irvine
222 Bryant, Alexander	277 English, Edward
223 James, Benjamin	278 Baya, Florence
224 Cain, Jacob	279 Jackson, Nathaniel
225 Sauks, Adam	280 Pomar, Joseph E.
226 Mongin, John	281 Corbitt, A. W.
227 Frohn, Ernest*	282 Aruan, Francis C.
228 Bravo, A. B.	283 Bravo, Donato
229 Greeno, George S.	284 Weeks, John P.*
230 Johnson, Abraham	285 Stewart, Jake
231 Hargrove, William F.	286 McKinney, Richard
232 Phillips, John L., sr.	287 Morgan, Edward
233 Pellicer, Bravo	288 Andrew, Francis P.
234 Leonardy, Joseph	289 Pellicer, Hudras J
235 House, Thomas S.	290 Pacetti, Domingo D.
236 Armstrong, William	291 Pomar, Antonio C.
237 Andrew, John	292 Hernandez, Deigo

*Challenged and sworn.

- | | |
|----------------------------|---------------------------|
| 293 Lopez, Jerome | 349 Fearand, S. W. |
| 294 Riley, Benjamin | 350 Young, Antonio |
| 295 Osborn, Emanuel | 351 Scharzenbach, William |
| 296 Watson, D. G. T. | 352 Crosby, Louis |
| 297 Segui Bartolo | 353 Sanchez, F. M. |
| 298 Crosby, T. C. S. | 354 Reynolds, C. O. |
| 299 Hughes, Israel P. | 355 Usina, M. S. |
| 300 Canova, Andreas P. | 356 Tilman, Titus |
| 301 Adams, George | 357 Falany, Thomas |
| 302 Hicks, W. B. | 358 Fell, Jacob |
| 303 Blanchard, Cornelius | 359 Friay, John |
| 304 Pomar, Gabriel S. | 360 Long, John G. |
| 305 Lopez, Petrinello R. | 361 Walton, George W. |
| 306 Papy, F. A. | 362 Rogers, A. D. |
| 307 Blackwelder, W. M. | 363 Sanchez, Joseph |
| 308 Futch, James H. | 364 Hernandez, Alonzo |
| 309 Walker, William H.† | 365 Masters, B. A. |
| 310 Walker, W. A. | 366 Leonardy, Joseph, 2d |
| 311 Canova, B. C. | 367 Leonardy, Celestial |
| 312 Sanbury, J. Downing | 368 Leonardy, Fernando |
| 313 Crosby, Sheppard | 369 Brainard, Joseph |
| 314 Williams, Jack | 370 Nattell, William, 1st |
| 315 Mickler, Daniel J. | 371 Holmes, Robert |
| 316 Greator, F. H. | 372 Canova, John O. |
| 317 Williams, Thomas H. | 373 Warren, Isaac |
| 318 Colee, William | 374 Masters, Antonio |
| 319 Masters, Philip J. | 375 Genovar, William |
| 320 Capellia, Anastacio | 376 Avic, Alex. F. |
| 321 La Roche, Otto | 377 Edge, Albert James |
| 322 Andrew, William, 2d. | 378 Starowsky, John |
| 323 Livingston, H. Calvin. | 379 Van Balsan, R. |
| 324 Phillips, Samuel D. | 380 Moore, Isaac |
| 325 Robinson, John | 381 Hunter, Ferry |
| 326 Huertas, Antonio | 382 Bohn, Charles H. |
| 327 Russell, Thomas T. | 383 Ballard, Frederick J. |
| 328 Foster, Godfred | 384 Bradford, William |
| 329 Leonardy, Mathias, 1st | 385 Hildreth, Joseph A. |
| 330 Hernandez, William | 386 Perry, Roscoe |
| 331 Lopez, John P. | 387 Pacetti, Crecurcio |
| 332 Pomar, William | 388 Hildreth, A. A. |
| 334 Capellia, Siberius. | 389 Pacetti, Felix F. |
| 335 Foster, W. F. | 390 Miller, Daniel |
| 336 Llambias, Antonio M. | 391 Butler, Michael |
| 337 Conklin, E. R. | 392 |
| 338 Johnson, C. E. | 393 Winsley, Henry |
| 339 Neunet, Oscar | 394 Joyce, E. F. |
| 340 Burt, George | 395 Speissiggur, J. T. |
| 341 Pearson, James | 396 Speisseggur, H. J. |
| 342 Davis, Richard | 397 Iwanowski, Alex. |
| 343 Cooper, M. R. | 398 Sanchez, Emanuel S. |
| 344 Stevens, Domingo | 399 Eatman, C. L. |
| 345 Foster, George H. | 400 Britt, Benomie* |
| 346 Cushing, W. H.* | 401 Johnson, William |
| 347 Pacetti, L. B. | 402 McCann, Dennis |
| 348 Malinaor, M. M. | 403 Pacetti, Gabriel N. |

* Challenged and sworn.

† Sworn.

404 Simons, J. Hume	435 Pacetti, A. B.
405 Byrne, James M.	436 Atkins, William H.
406 Rogers, Raymond R.	437 Wilson, Sandy B.
407 Wescott, John	438 Macuchun, Harvey
408 Atwood, George W.	439 Delespin, William
409 Thomas, J. C.	440 Segui, John
410 Andrew, Antonio, jr.	441 De Medicis, Emanuel J.
411 Pacetti, T. A.	442 Perpall, Charles F.
412 Watkins, William J.	443 Capo, John, jr.
413 Capo, William, sr.	444 McKinney, William
414 Benedu, Charles	445 Lawler, Michael
415 Westcott, J. W.	446 Neligan, Henry H.
416 McNeil, R. A.	447 Lopez, Antonio
417 Leonardy, George	448 Masters, Peter B.
418 Benjamin, Stacio	449 Van Balsam, Henry
419 Sessions, Daniel	450 Capo, Venancio
420 Dunham, F. P. F.	451 Andrew, Antonio, sr.
421 Johuson, Frank	452 Johnson, William H.
422 Oleveras, Bartolo	453 Davies, James
423 Graper, John	454 Andrew, John R.
424 Brown, John M.	455 Paine, Balaam
425 Bredier, John	456 Fergerson, Washington
426 Oleveros, F. B.	457 Nattul, John
427 Williams, Tom	458 Sandy, William
428 Williams, Thomas, sr.	459 March, Francis
429 Bram, Charles C.	460 Sherman, William T.
430 Pomar, Peter	461 Stone, Isaac
431 Pomar, Bartolo	462 Gilbert, Joshua W.
432 Masters, B.	463 Dumas, Henry B.
433 Nathaniel, Richard	464 Lopez, Augustine*
434 Kernan, William A.	

EXHIBIT D.

Poll-book or list of votes given at Sampson precinct, at the house of R. D. Mickler, known as the 20-Mile House, at an election held on the 3d day of November, A. D. 1874.

1 Robert D. Mickler	14 Lewis Martin
2 Alexander Powers	13 J. W. Orstureicher
3 F. E. Bridier	16 Benjamin Powers
4 Weedman Mickler	17 Edward Meir
5 Lewis I. Mickler	18 John Henry Mickler
6 J. A. Braddock	19 Antonio Meir
7 William D. Braddock	20 J. W. David
8 Henry H. Emmerly	21 G. R. David
9 James F. Booth	22 W. A. Mickler
10 Isadore Ponce	23 Robert A. Mickler
11 Ignacio Ortigas	24 Yulee Mickler
12 Antonio Ortigas	25 James A. Mickler, 2d
13 Telano Meir	26 A. D. Bennett

The undersigned, inspectors and clerk, do hereby certify the foregoing to be a correct list of votes received at Sampson precinct, (at the house of R. D. Mickler, known as the 20-Mile House,) in the county of Saint

Johns, State of Florida, on the 3d day of November, A. D. 1874, at an election for Congressman, member of assembly, and constables.

Inspector of Election.

Inspector of Election.

Inspector of Election.

Clerk of Election.

SAMPSON PRECINCT, November 3, 1874.

Oath to be taken by the inspectors before opening election.

STATE OF FLORIDA,

Saint Johns County :

We, the undersigned, Robert D. Mickler, Alexander Powers, H. M. Emmerly, inspectors of an election held at Sampson precinct, in the county of Saint Johns and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto approved February 27, 1872, do solemnly swear that we will perform the duties of inspectors of the before-mentioned election according to law, and that we will endeavor to prevent all fraud, deceit, and abuse in conducting the same.

ROBERT D. MICKLER,

Inspector of Election.

ALEXANDER POWERS,

Inspector of Election.

H. M. EMMERLY,

Inspector of Election.

Sworn to and subscribed before me this 3d day of November, A. D. 1874.

H. M. EMMERLY, [SEAL.]

Justice of the Peace Saint Johns County.

EXHIBIT E.

Oath to be taken by the inspectors before opening election.

STATE OF FLORIDA,

Saint Johns County :

We, the undersigned, E. M. Lopez, H. H. Floyd, A. C. Rogers, inspectors of an election held at Mocassin Branch precinct, in the county of Saint Johns and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto approved February 27, 1872, do sol-

emny swear that we will perform the duties of inspectors of the before-mentioned election according to law, and that we will endeavor to prevent all fraud, deceit, and abuse in conducting the same.

E. M. LOPEZ,
Inspector of Election.

H. H. FLOYD,
Inspector of Election.

A. C. ROGERS,
Inspector of Election.

Sworn to and subscribed before me this 3d day of November, A. D. 1874.

A. C. ROGERS,
Inspector.

Poll-book or list of votes given at Moccassin Branch precinct, (at school-house,) at an election held on the 3d day of November, A. D. 1874.

1 Benjamin Turner	14 Paul Speedman
2 A. C. Rogers	15 Teutine A. Triay
3 Emanuel Lopez, 1st	16 John Morris
4 H. H. Floyd	17 James Masters
5 Asa Wilkerson	18 Francis E. Rogers
6 Alonzo Ponce	19 Elutario Baya
7 Emanuel Lopez, 2d	20 Philip Weedman
8 J. D. Lopez	21 Manual Salana
9 A. D. Smith	22 Edward Russell
10 John Rogers	23 Casemero A. Masters
11 Joseph E. Masters	24 Bartolo Solana
12 Francis Rogers	25 F. A. Triay
13 William Wilkerson	

The undersigned, inspectors and clerk, do hereby certify the foregoing to be a correct list of votes received at Moccassin Branch precinct, (at school-house,) in the county of Saint Johns, State of Florida, on the 3d day of November, A. D. 1874, at an election for Congressman, member of the assembly, and constables.

Inspector of Election.

Inspector of Election.

Inspector of Election.

Clerk of Election.

MOCCASSIN BRANCH PRECINCT, 3d day of November, 1874.

EXHIBIT F.

Oath to be taken by the inspectors before opening election.

STATE OF FLORIDA,
St. John's County :

We, the undersigned, James I. Harvey, Raymond L. Irvin, James A. Mickler, first inspectors of an election held at Haw Creek precinct, in

the county of Saint John's and State aforesaid, on the 3d day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, do solemnly swear that we will perform the duties of inspectors of the before-mentioned election according to law, and that we will endeavor to prevent all fraud, deceit, and abuse in conducting the same. ¶

JAMES I. HARVEY,

Inspector of Election.

RAYMOND L. IRVIN,

Inspector of Election.

JAS. A. MICKLER,

1st Inspector of Election.

Sworn to and subscribed before me this 3d day of November, A. D. 1874.

JAMES I. HARVEY,

Chairman of Board of Inspectors.

Poll-book or list of votes given at Haw Creek precinct, (at the former residence of Stephen Raulerson,) at an election held on the 3d day of November, A. D. 1874.

1 W. P. Dennison
2 Ramon Hernandez
3 Raymond L. Irvin
4 Frank R. Pallicea
5 James I. Harvey
6 J. I. Harvey
7 James Burnseed
8 George Burnseed
9 Perry McCuller

10 James A. Mickler, 1st
11 J. Cathron
12 Archibald Crawford
13 Daniel Crawford
14 James F. Raulerson
15 W. T. Raulerson
16 P. McSwain
17 W. E. Gore
18 C. N. Rosier

The undersigned, inspectors and clerk, do hereby certify the foregoing to be a correct list of votes received at Haw Creek precinct, (at the former residence of Stephen Raulerson,) in the county of Saint John's, State of Florida, on the 3d day of November, A. D. 1874, at an election for Congressman, member of the assembly, and constables.

Inspector of Election.

Inspector of Election.

Inspector of Election.

Clerk of Election.

HAW CREEK PRECINCT, 3d day of November, 1874.

EXHIBIT G.

Oath to be taken by the inspectors before opening election.

STATE OF FLORIDA, Saint John's County :

We, the undersigned, George Colee, sr., Theodore F. Bridier, Samuel Seyella, sr., inspectors of an election held at Oceola precinct, in the

county of Saint John's and State aforesaid, on the third day of November, in the year of our Lord one thousand eight hundred and seventy-four, under and by virtue of an act entitled "An act to provide for the registration of electors and the holding of elections," approved August 6, 1868, and an act amendatory thereto, approved February 27, 1872, do solemnly swear that we will perform the duties of inspectors of the before-mentioned election according to law, and that we will endeavor to prevent all fraud, deceit, and abuse in conducting the same.

GEORGE COLEE,

Inspector of Election.

THEODORE F. BRIDIER,

Inspector of Election.

SAMUEL SEVELLA,

Inspector of Election.

Sworn to and subscribed before me, this third day of November, A. D. 1874.

GEORGE COLEE,

Justice of the Peace.

Certificate of clerk of circuit court.

STATE OF FLORIDA, *County of Saint John's:*

I, J. D. Stanbury, clerk of the circuit court, fourth judicial circuit of Florida, in and for Saint John's County, do hereby certify the foregoing papers in relation to an election held in said Saint John's County, Florida, on 3d November, 1874, are true and correct copies from the original on file in my office, recapitulated as follows :

Copy of registration-list.

Copy of poll-book, Saint Augustine precinct.

Copy of oath inspectors at Moccassin Branch and poll-list of said precinct.

Copy of oath of inspectors at Osceola precinct.

Copy of oath of inspectors at Haw Creek and poll-list of said precinct.

Copy of oath of inspectors at Sampson precinct and poll-list of said precinct.

In testimony whereof I have hereunto set my hand and seal of office, at Saint Augustine, this 20th day of October, A. D. 1875.

[SEAL.]

J. D. STANBURY,

Clerk Circuit Court,

By B. F. OLIVEROS,

Deputy Clerk.

Certificate of notary.

Certified copies of the original returns made by the inspectors of the different precincts to the said board of county canvassers, and about which J. B. Stickney and H. M. Emerly have testified, are now put in evidence by counsel for J. T. Walls, and for identification are marked "Exhibits A, B, C, D, E, F, G."

Excepted to by counsel for J. J. Finley, because no notice was given that they would be introduced.

STATE OF FLORIDA,

Saint John's County, City of Saint Augustine, ss :

I, J. D. Stanbury, a notary public of the State of Florida in and for the county of Saint John's, do hereby certify that the foregoing 35 pages of letter-writing contain the evidence taken, and the exhibits and other proceedings had and taken before me at the date therein specified, in behalf of J. T. Walls, in the case of J. J. Finley *vs.* J. T. Walls, contestants.

In testimony whereof I have hereunto set my hand and seal this 20th day of October, A. D. 1875.

[SEAL.]

J. D. STANBURY,
Notary Public.

REBUTTAL FOR SAINT JOHN'S COUNTY BY CONTESTANT.

STATE OF FLORIDA,

Saint John's County, ss :

In the matter of Josiah T. Walls *vs.* J. J. Finley, contestants for the representation of the second district of the State of Florida in the Forty-fourth Congress of the United States.

Deposition of George Colee.

On this 28th day of October, A. D. 1875, personally appeared before me, J. D. Stanbury, a notary public in and for said State and county, GEORGE COLEE, SR., who, being duly sworn, says that he was one of the inspectors at Osceola precinct in said county of Saint John's, at an election held for member of Congress and other officers in November, A. D. 1874; that he was sworn in as such inspector by one of the other inspectors at said precinct, namely by Inspector Theodore F. Bridier, and that to the best of his knowledge the election at said precinct was fairly and honestly conducted.

Cross-examined :

I am a member of the democratic party.

GEORGE COLEE, SENR.

Deposition of Albert C. Rogero.

Then came A. C. ROGERO, who, being duly sworn, deposes and says that he was one of the inspectors at Moccasin Branch precinct in said county, at an election held for the election of member of Congress and other officers, November, 1874, and that he was sworn in as such inspector by E. M. Lopez, who was also an inspector at said precinct at said election; and that to the best of his knowledge the said election was fairly and honestly conducted, and he further says that at the time of said election he was and now is a registered voter of said county of Saint John's.

Cross-examined :

I am a member of the democratic party.

ALBERT C. ROGERO.

By consent of Mr. J. D. Tannehill, counsel of Mr. J. T. Walls, Mr. Ramon L. Irwin was allowed to testify in place of J. J. Harvey previously summoned, but not appearing, five days' notice being waived by said counsel, J. D. Tannehill.

Deposition of Ramon L. Irwin.

RAMON L. IRWIN, being duly sworn, deposes and says that he was one of the inspectors at Haw Creek precinct, in said county of Saint John's, at an election held for the election of member of Congress and other officers, November, 1874; that as such inspector he swore in one J. J. Harvey as inspector of said election at said precinct, and that, to the best of his knowledge, the said election was fairly and honestly conducted.

Cross-examined :

I am now and was then a member of the democratic party. No republican votes were cast at said precinct.

RAMON L. IRWIN.

Deposition of George H. Emery.

GEORGE H. EMERY, being duly sworn, deposes and says that he was an inspector at Saint Augustine precinct, in said county of Saint John's, at an election held for the election of member of Congress and other officers, November, 1874, and that, to the best of his knowledge, the said election at said precinct was fairly and honestly conducted.

Cross-examined :

Did not belong to any party. Finley was my preference at that election.

GEO. H. EMERY.

Deposition of B. F. Oliveros.

B. F. OLIVEROS, being duly sworn, deposes and says :

I was clerk of the circuit court of Saint John's County *ad interim*, November 3, 1874; that, as such clerk, I furnished the sheriff of said county with copies of the registration-list for each precinct, but inadvertently the certificate of one of the said copies was not signed or sealed by me as clerk, which said copy was used at the Saint Augustine precinct with the certificate unsigned and unsealed, and further says that the said copy as used was a correct copy of the original list of registered voters on file in my office; that I was at the poll of said St. Augustine precinct during most of the day of an election held on the 4th day of November, 1874, at said precinct, for members of Congress, &c., and that said election, to the best of my knowledge, was quietly, fairly, and honestly conducted.

Cross-examined :

I am a member of the conservative party, and vote with them. J. T. Walls was not on the conservative ticket. As one of the county canvassers, I first discovered the fact that the copy of the registration-list used at Saint Augustine precinct lacked the signature and seal of the clerk of the circuit court to the certificate of said copy. I was, at the time I acted as clerk of the court *ad interim*, a member of the State legislature.

B. F. OLIVEROS.

Deposition of James D. Tannehill.

JAMES D. TANNEHILL, being duly sworn, deposes and says, I am a republican, and a member of the republican State committee of the State of Florida; that I was a deputy sheriff of Saint John's County, at Hogarth's precinct, at an election held November 4, 1874, and, as such deputy sheriff, carried the ballot-boxes to said precinct at said election; there not being a sufficient number of regularly appointed inspectors present, and not a sufficient number of electors present without myself from which to choose the regular number of inspectors, I was chosen one of the inspectors for said precinct by the qualified electors present, and that without myself and two other republicans then there present the polls at said precinct could not have been legally opened; that I expected at the time of the said election at said precinct that the majority of the votes cast at said precinct would be in favor of the democratic ticket. All were friendly. That, to the best of my belief, it was a quiet, orderly, and fair election.

JAS. D. TANNEHILL.

Deposition of John Papino.

JOHN PAPINO, being duly sworn, deposes and says that he was an inspector at the Saint Augustine precinct at an election held November 4, 1874, and that, to the best of my knowledge, the said election at said precinct was fairly and honestly conducted; that I am a republican, and was at the time of said election.

Cross-examined:

I did not examine the list of registered voters furnished said precinct by the clerk of the circuit court; my duty was to receive the ballots from the electors and place them in the ballot-box.

JOHN PAPINO.

Deposition of David L. Dunham.

DAVID L. DUNHAM, being duly sworn, deposes and says: I was the clerk of the election at Hogarth's precinct, in said county, at an election held November 4, 1874; that the said election was a quiet, peaceable, and, to the best of my knowledge, a fair and legal election.

Cross-examined:

I was at that time and am now a conservative, and supported J. J. Finley at that election; that had it not been for the republicans present, the polls could not have been legally opened at said precinct.

DAVID L. DUNHAM.

Certificate of notary.

The foregoing testimony, consisting of seven pages and two and a half lines, given by George Colee, sr., Albert C. Rogero, Ramon L. Irwin, George H. Emery, B. F. Oliveros, James D. Tannehill, John Papino, and David L. Dunham, sworn and subscribed to before me this 28th day of October, A. D. 1875.

Witness my hand and notarial seal, at Saint Augustine, the day and date last above written.

[SEAL.]

J. D. STANBERRY,
Notary Public.

INDEX.

CONTESTANTS' PAPERS.

	Page.
Notice of contest.....	1
Answer of contestee.....	7
Agreement No. 1.....	14
No. 2.....	15
No. 3.....	15
No. 4.....	16
Copy of the canvass made by the board of State canvassers.....	16
Certificate of secretary of state thereto.....	53
Notice to take testimony at Gainesville.....	53
Depositions.....	54
Caption.....	54
Deposition of William H. Geiger.....	54
Green R. Moore.....	57
I. Samuel Depreis.....	59
George Halbinstor.....	61
William H. Belton.....	63
Henry C. Paker.....	72
Peter G. Snowden.....	74
Certificate of notary.....	75
Notice to take testimony at La Re City, Columbia County.....	75
Caption to depositions.....	76
Deposition of W. J. Barnett.....	76
John V. Brown.....	78
John A. Carroll.....	80
Keightly S. Waldron.....	81
Francis M. Weeks.....	82
John W. Tompkins.....	83
Thomas M. Mickler.....	85
Duval Selph.....	85
Certificate of notary.....	87
Notice to take testimony at Madison.....	87
Caption to depositions.....	88
Deposition of A. M. Cason.....	88
Benjamin F. Wardlaw.....	90
Objection of contestee to Wardlaw's testimony.....	94
Deposition of W. L. Paramore.....	95
Albert A. Ellewood.....	96
Copy of inspector's oath.....	103
clerk's oath.....	104
Tally-sheet of sheriff's office precinct.....	105
Election return of sheriff's office precinct.....	108
Deposition of James Ellenwood.....	109
Certificate of mayor.....	110

CONTESTEE'S PAPERS.

Agreement No. 5.....	111
Notice of contestee to take testimony at Gainesville.....	111
Agreement No. 6.....	112
Caption to depositions.....	112
Deposition of Henry Washington.....	112
Allen M. Jones.....	115
Caesar Swet.....	116
Richard Hughes.....	117
M. M. Lewey.....	118

	Page.
Deposition of William Valentine.....	120
Joseph W. Valentine.....	121
W. K. Cesana.....	121
William Trapp.....	122
Allen B. Barber.....	123
John B. Brooks.....	124
Lawrence E. Chesnut.....	125
M. E. Papy.....	125
Benjamin Rush.....	126
W. H. Belton.....	127
L. A. Barnes.....	127
I. H. Stokes.....	128
George Washington.....	129
W. Porter.....	129
C. H. Chrisman.....	130
Exhibits A, B, C, D, E, F, G, H, I, J, K, L, M, and N.....	131
Certificate of notary.....	161

REBUTTAL FOR CONTESTANT.

Caption to depositions.....	162
Depositions of L. A. Barnes.....	162
E. C. F. Sarchez.....	164
James B. Brown.....	167
Thomas F. King.....	168
Certificate of notary.....	169

CONTESTEE'S TESTIMONY CONTINUED.

Depositions at Saint Augustine.....	170
Caption to deposition.....	170
Deposition of John B. Stickney.....	170
H. M. Emerly.....	172
Exhibits A, B, C, D.....	173
Copy of inspector's oath at Sampson precinct.....	187
Exhibit E.....	187
Poll-book of Moccasin precinct.....	188
Exhibit F.....	188
Poll-book of Haw Creek precinct.....	189
Copy of inspector's oath at Osceola precinct.....	189
Certificate of clerk of circuit court.....	190
notary.....	190

REBUTTAL FOR SAINT JOHN'S COUNTY BY CONTESTANT.

Caption to deposition.....	191
Deposition of George Colee, sr.....	191
A. C. Rogero.....	191
Ransom L. Irwin.....	192
George H. Emery.....	192
B. F. Oliveros.....	192
James D. Tannehill.....	193
John Papino.....	193
David L. Dunham.....	193
Certificate of notary.....	193

BREAKWATER AT SAN LUIS OBISPO.

JOINT RESOLUTION

OF

THE LEGISLATURE OF CALIFORNIA,

ASKING

For a breakwater at the port of San Luis Obispo in that State, and that said harbor be declared a port of entry.

JANUARY 24, 1876.—Referred to the Committee on Commerce and ordered to be printed.

Resolved by the assembly, (the senate concurring,) That our Senators and the several Representatives from this State in the Congress of the United States be requested to use their best endeavors to secure an appropriation for the purpose of building a breakwater at the port of San Luis Obispo, and also to have a law passed declaring the harbor of San Luis Obispo a port of entry.

[SEAL.]

G. J. CARPENTER,
Speaker of the Assembly.
JAMES A. JOHNSON,
President of the Senate.

SOLDIERS AND SAILORS IN WAR WITH MEXICO.

RESOLUTION
OF
THE LEGISLATURE OF TEXAS,

INSTRUCTING

Senators and requesting Representatives in Congress to urge favorable consideration of claims of soldiers and sailors in late war with Mexico.

JANUARY 24, 1876.—Referred to the Committee on Military Affairs and ordered to be printed.

Whereas the gallant deeds of those who served in the Army and Navy of the United States in the late war with Mexico, achieved advantages of vast importance to the American people, and reflected the highest honor and credit upon the nation; and,

Whereas a due manifestation of a nation's gratitude toward those who gallantly support its standard in the hour of trial and danger is a capital invigorating motive to patriotism and a strong incentive to like deeds of valor: Therefore,

SECTION 1. *Be it resolved by the legislature of the State of Texas, That* our Senators be instructed and our Representatives in Congress be requested to urge upon Congress the early and favorable consideration of the claims upon the people's gratitude of those who rendered service in the Army and Navy of the United States in the late war with Mexico.

SEC. 2. *Be it further resolved, That* the Secretary of State be required to furnish a copy of this joint resolution to each of our Senators and Representatives in Congress, as soon as practicable after its passage.

GUY M. BRYAN,

Speaker of the House of Representatives.

R. B. HUBBARD,

President of the Senate.

Approved February 10, 1875.

RICH'D COKE,

Governor.

THE STATE OF TEXAS,
Department of State:

I, A. W. De Berry, secretary of state for the State of Texas, do hereby certify that the foregoing is a true copy of the original enrolled

house joint resolution No. 57, passed at the second session of the fourteenth legislature, and now on file in this department.

In testimony whereof I have hereunto signed my name and affixed the seal of this department, at the city of Austin, this the 11th day of February, A. D. 1875.

[SEAL.]

A. W. DE BERRY,
Secretary of State.

C

WAR-CLAIMS OF 1812.

JOINT RESOLUTION
OF
THE LEGISLATURE OF VIRGINIA,
REQUESTING

Her Senators and Representatives in Congress to urge the passage of a law by Congress for the adjustment and payment of claims of Virginia for advancements made and sums lent to the United States during the war of 1812.

JANUARY 28, 1876.—Referred to the Committee on Claims and ordered to be printed.

Whereas the United States, in the adjustment of the claims of Virginia for advances made and sums lent during the war of eighteen hundred and twelve, proceeded upon a principle erroneous in law, which deprived this State of a large portion of the sum justly due her: Therefore,

Resolved by the general assembly, That our Senators and Representatives in Congress be requested to urge the passage of a law providing for the speedy ascertainment and payment of the balance due the State.

Resolved, That the governor be requested to communicate a copy of these resolutions to each of the Senators and Representatives in Congress from Virginia.

(A copy.)

J. BELL BIGGER,
Clerk of the House of Delegates and Keeper of the Rolls of Virginia.

ADMISSION OF NEW MEXICO.

MEMORIAL

OF

THE LEGISLATIVE ASSEMBLY OF NEW MEXICO,

ASKING

The passage of an enabling act for admission into the Union.

JANUARY 28, 1876.—Referred to the Committee on Territories and ordered to be printed.

Your memorialists, the council and house of representatives of the legislative assembly of the Territory of New Mexico, respectfully represent that by the treaty of Guadalupe Hidalgo, in the year 1848, New Mexico was ceded to the United States by the republic of Mexico, under the most solemn guarantees and stipulations by said treaty that the citizens who did not retain their character as Mexicans should be incorporated into the Union of the United States, and be admitted at the proper time to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; that none of the citizens of New Mexico elected to retain their character as Mexican citizens, but voluntarily yielded implicit obedience to the new Government, preferring to be citizens of a strong and powerful government, under which they could have immediate protection, to that of foreign and distant nations, without the means to furnish them aid or assistance; that at every session of the Congress of the United States since the organization of New Mexico as a Territory, her citizens, relying upon the good faith of the Government in carrying out the true spirit and intent of said treaty, and most anxiously wishing to enjoy all the rights of citizens of the United States, according to the Constitution, have asked and sought admission as a State into the Union; that they have patiently and without complaint watched the action of the Government in admitting into the Union several other Territories as States with much less population, and still less to recommend them than the Territory of New Mexico has been able to present, and the citizens of New Mexico have noticed with the greatest of mortification that their Territory and her claims, based upon the high obligations of national treaty, have been disregarded and left without respectable attention or consideration, (except at the last Congress,) which said disregard and rejection of their claims the people of New Mexico believe to be unjust and in direct violation of the sacred rights guaranteed to them by the aforesaid stipulations of the treaty of 1848.

Your memorialists are confident that New Mexico possesses more than

the requisite population, with abundant means and resources to entitle her to admission as a State; that although immediately after the taking of the census of 1860, two-thirds of the area and one-third of the population of New Mexico was cut off from her for the purpose of organizing Colorado and Arizona, yet, notwithstanding that a constant Indian war was being carried on within her borders, she entirely regained her population and more than doubled her wealth by the time of the taking of the census of 1870, showing an increase, under adverse circumstances, greater than the average of the States of the Union; and that during the last five years, since the taking of the last census, owing to the fact that peace from Indian hostilities has reigned in New Mexico, her population has increased more than fifty per cent. and her material wealth advanced threefold; her lands are fast being explored and occupied by the very best of citizens from all portions of the Union and Europe, which is fast transforming her from a wilderness into a garden.

Your memorialists do not believe it can be the purpose of a great Government such as ours to disregard the solemn obligations of a treaty, or reject or treat with contempt the reasonable claims and demands of the people of New Mexico.

Therefore, your memorialists most earnestly insist that the time has come when justice and right demand, and the exercise of a sound discretion requires, that the people of New Mexico should be admitted to the enjoyment of all rights of citizens of the United States, according to the principles of the Constitution; they therefore, in behalf of the people of New Mexico, protest against any further discrimination and distinction against them and in favor of other Territories, and ask that this their claim may be heard and justice accorded to this Territory and her people by an admission of New Mexico into the Union as a sovereign State.

PEDRO SANCHEZ,

Presidente.

ANICETO ABEYTRA,

Presidente Interino.

(Indorsed:) 2 ex. rec. 241. Filed in the secretary's office Jan. 14, 1876. W. G. Ritch, secretary N. M.

SECRETARY'S OFFICE,

Territory of New Mexico.

I, W. G. Ritch, secretary of the Territory of New Mexico, do hereby certify that I have compared the foregoing copy of an original enrolled memorial on file in my office with said original, and that the same is a true and correct transcript thereof and of the whole of said original.

Witness my hand and official seal this 19th day of January, A. D. 1876.

[SEAL.]

W. G. RITCH,

Secretary.

BREAUX vs. DARRALL.

P A P E R S

IN THE CASE OF

BREAUX VS. DARRALL.

THIRD CONGRESSIONAL DISTRICT OF LOUISIANA.

PAPERS OF CONTESTANT.

Notice of contest.

NEW IBERIA, LA., *January 2, 1875.*

SIR: You will take notice that I will contest your right to a seat in the House of Representatives of the United States, as the member from the third congressional district of the State of Louisiana, upon the grounds hereinafter mentioned.

ASSUMPTION PARISH.

I especially allege that in the said parish of the said district the returning-board of the State did not canvass or compile the vote of poll No. 4, but excluded it from their returns.

That at this poll the election was fairly conducted; no intimidation was resorted to nor frauds practiced at the said poll on the day of the election or at any time after.

That the object was to deprive me of a majority of one hundred and seven votes cast for me.

That the said majority should be added to the number of votes I received, and that if the votes cast at the said poll be counted, as I shall demand, my majority in the said parish will be the number of votes hereinafter mentioned.

That the action of the said board in excluding the said poll was illegal and wrong.

That the protests and affidavits presented by your partisans could not legally be considered by the board, and that they were not in accordance with the facts.

I further charge that the supervisor of registration for the said parish did, without cause, deny to twenty citizens, residents of the said parish, who were my political friends and supporters, the right to register, and thereby prevented them from voting; and that twenty-five minors were registered by him, who, at the time they voted for you, were minors. They voted at polls 1, 2, 3, 5, and 6, of the said parish.

That ten persons not residents of the said parish were allowed to register and to vote for you.

The number of votes to which you are legally entitled is 1,498, to 1,621 received by me in the said parish.

ASCENSION PARISH.

That at four polls in the said parish, in the said congressional district, a large number of your partisans associated together, to carry the said election by fraud and violence, and agreed among themselves to prevent legal and qualified voters, who were my supporters, from exercising the right of suffrage, and, by threats, violence, and riot, either prevent them from voting for me, or compel them to vote for you.

That at the said polls, viz: two, four, five and six, seven hundred of my supporters went to the polls, with ballots having my name printed thereon as the candidate for whom they intended to vote.

That at the said polls, when they were about to deposit their votes, your partisans, being armed with shot-guns and pistols, attacked the said parties, forcibly took their ballots from them, and forced them to accept others with your name, and compelled them to vote for you.

That two hundred voters were bribed to vote for you, and were induced by corrupt influences to support you.

That I shall demand that the said polls be not counted, but that they be excluded and thrown out, and that the result be determined without reference to the votes cast at the said polls.

IBERVILLE.

In this parish, at poll two, in the town of Plaquemine, fifty persons voted, without producing and exhibiting their registration-papers, and against the representations and remonstrances of the United States supervisor and one of the commissioners of election.

In the ward No. 4, and polling place, same number, seventy-nine parties were bribed to vote the republican ticket, and for you, and did vote for you in compliance with promises made at the time the bribes were received.

At polling ward No. 5, at the "Island precinct," ten voters were bribed, and did vote for you.

I also charge that at the poll, in ward No. 7, Grosse Tete, twenty-five citizens voted for you, who were influenced by bribery, and by corrupt influences. For the reasons above mentioned, I shall demand that each of the polls above referred to be excluded and thrown out.

IBERIA,

Another parish of the said district. In this parish, one hundred and fifty persons voted for you at the different polls of the said parish, who were not entitled to the right of suffrage in said parish.

That fifty of them were minors, ninety were not residents of the said parish. Ten had served a term in the State penitentiary. That they voted at polls 1, 2, 3, 4, 5, 6, and 7.

That poll No. 1, of the said parish, known as the Leanerette poll, was thrown out and excluded without cause.

That no undue influence was exerted at the said poll on the day of election, and that none of the voters were intimidated. That I shall demand that the votes cast for me at this poll be counted, and that my majority be added to the number of votes to which I am entitled.

That if the votes cast at the said poll he counted, my majority in the parish will be 303. If the illegal votes be excluded, as I will demand, it will be, 453.

LAPOURCHE PARISH.

That fifty minors voted for you at the different polling-places in said parish, and twelve persons who were not residents of the said parish.

That soldiers were stationed at Thibodeaux. That by their presence at least two hundred voters voted for you who would have voted for me.

That voters were openly intimidated by persons who misrepresented the nature of the orders under which the said troops were acting.

SAINT MARTIN PARISH.

I especially allege and charge that, in the said parish of the said district, the supervisor of the said parish, one of your supporters, by printed notices posted at different places, informed the voters of the following mentioned localities, viz, Bayou Chene, Grand River, Butte a la Rose, where there are at least three hundred and fifty voters, that he would repair to Bayou Chene, on the 19th day of October, and to Grand River on the 20th day of October, 1874, to register their names and issue to them their registration-papers; and that the said supervisor willfully, and to favor your election, failed to repair to said place, with no other view than to prevent the voters in these localities from registering and to deprive them of their right of suffrage. That they were deceived by the said notice; for, had it not been given, they would have registered at some other point. That, had not these voters been deprived of the right of registering and of the exercise of their right of suffrage, they would have voted for me.

That no voting-places were established at any point in the bayous, and that it was almost impossible for the voters, my political friends, to repair to any of the polling-places opened in the parish.

That they were not allowed a poll in any of the aforesaid localities, with the view on the part of the radical authorities of the said parish to deprive the said voters from voting for me.

That the voters who favored my election were informed of the number of polls, and of the places where said polls were to be opened, only on the day of the election; the police-jury, although especially requested at several meetings previous, adjourned without action, and fixed the polling-places late in the week preceding the election, and for no other purpose than to deprive my friends from the right of suffrage. That by such proceedings at least one hundred voters in the said parish, my political friends, were defrauded of their right of suffrage.

That your partisans, by their representations, induced the sending of United States troops to this parish, infantry and cavalry. That their object was to control the election in the interest of your party. That there were two military posts established in the parish; and the cavalry, accompanied by State and United States officials, scoured the parish making arrests and intimidating voters. That at least three hundred were intimidated and forced to register and vote against me, although it was their well-expressed desire not to vote, or, if they voted, to vote for me.

That officials made threats of a most reprehensible nature to induce voters to vote for you, and that by such threats at least twenty voters voted for you against their wish and intention.

That at least fifty persons were registered and voted for you, who were not of age. That twenty were not residents of the parish. That these parties voted at polls 1, 2, and 3 of the said parish.

That 350 votes should be added to the number of votes received by me, and 390 deducted from the number received by you, in this parish.

SAINT MARY'S.

That in this parish more than four hundred minors were registered by the supervisor, another of your political friends. That the said minors voted for you at the different polls of said parish. That the supervisor of registration, intending to defeat me by every means, however unjustifiable, did not repair to Bayou Bœuf, in said parish, to register the voters there. That this place is a considerable distance from the localities where the supervisor opened his office, and that they could not conveniently register, and that thereby one hundred voters were denied the right to vote, who would have voted for me.

I allege the same as applying to one hundred voters on Wax Bayou; to seventy-five voters on Bayou Sale, in the Fifth ward; and to fifty voters at Cypremort, in the Third ward.

TERRE-BONNE.

That troops were sent to Houma, in the said parish, and that their presence on the day of election had the effect of influencing a number of voters.

That if there was any intimidation on the day of election in the said parish, it was brought about by the conduct of your partisans, and that they did by violence and threats prevent at least one hundred voters from voting for me and forced them to vote for you.

That the poll or voting-place at Lower Terre-Bonne, in said parish, where I received one hundred and sixty-one majority, No. —, and at little Caillon, No. —, where I received seventy-five votes majority, were thrown out by the returning-board. That their decision in throwing out said polls was illegal.

That even if the alleged irregularities existed, they were not sufficient to justify the said board in excluding the said polls. I will therefore demand that the votes cast at these polls be counted.

CAMERON.

The supervisor of registration of that parish offered every opportunity to your political friends to register, and intentionally, and with the purpose of favoring your election, neglected to repair to several localities; in consequence, a number of my political friends were unable conveniently to obtain registration-certificates. He failed to repair to the Mermentau River, Sabine Lake, and Sabine River. There are two hundred voters in these localities, who were my political friends, and would have voted for me were it not that they were denied that right.

I further charge that poll No. 3, at Leesburg, was not exclusively within the control of the commissioners of election, and was not held strictly under their superintendence. That all the proceedings in connection with the said poll were irregular: the manner in which the votes were received; the counting, the returns, and everything connected therewith. I shall apply to exclude the said poll.

I aver and charge that, by reason of the frauds committed, intima-

tion resorted to, and corrupt influences practiced by a number of your partisans, you were not elected; and that after an investigation will have been held it will appear that I received a majority of votes at the last general election.

Respectfully,

JOS. A. BREAUX.

Hon. C. B. DARRALL, *New Orleans.*

Acceptance of notice.

HOUSE OF REPRESENTATIVES,
Washington, D. C., January 18, 1875.

I hereby accept notice of contest served on me, this day, by Hon. J. A. Breaux, through Hon. S. S. Cox. But I do not accept service of notice of time and place of taking evidence, also served on me, as I reserve to myself the right of thirty days from this date in which to answer this notice of contest, being entitled to this by the law governing contested elections. After that I will require, under the law, ten days' notice of time and place of taking evidence.

C. B. DARRALL,
M. C. elect, Forty-fourth Congress, Third District Louisiana.

Refusal to accept notice to take testimony.

HOUSE OF REPRESENTATIVES,
Washington, D. C., February 2, 1875.

DEAR SIR: I do not receive the several papers you have handed me as legal notices of time and place of taking evidence in the case wherein Hon. Jos. A. Breaux contests my right to a seat in the Forty-fourth Congress, and for the reason that notice of such contest was not served on me till January 18, 1875. According to the law governing contested elections, I have thirty days from that date to answer his notice, and no evidence can be taken till I make my answer to said notice.

Very respectfully,

C. B. DARRALL.

Hon. S. S. Cox,
House of Representatives.

Answer to notice of contest.

WASHINGTON, D. C., *January 28, 1875.*

SIR: On the 18th of the present month I received from the Hon. S. S. Cox, of New York, the notice of your intention to contest my right to the seat in the Forty-fourth Congress of the United States from the third congressional district of Louisiana, to which I have been declared elected, and stating at length the grounds on which you base your claim to the said seat.

I now make this, my formal answer, to the said notice.

To your charge and assertions that bribery and corrupt means were used by me or by any of my friends, political or personal, to influence citizens to vote for me in the parishes of Ascension or Iberville, or else-

where in the said district, I make a most emphatic denial. Such a charge has no foundation whatever in fact, and I demand of you the fullest proof of the same.

In the parish of Ascension your charge that my political friends did, on the day of the election, by threats and violence, being at the time armed with guns and pistols, compel over seven hundred citizens of the said parish, your political friends, to give up their ballots with your name thereon, and take and vote other ballots, containing my name, which violence, you say, was practiced on the voters at polls Nos. 2, 4, 5, and 6, in the above parish, is not at all according to the facts. On the contrary, I claim that the election at those polls, Nos. 2, 4, 5, and 6, was peaceable and fair in every respect; and that the citizens voting did so without fear or violence.

You farther charge that, in the parish of Iberville, poll No. 2, town of Plaquemine, fifty persons were allowed to vote without producing certificates of registration, and against the protest of some of the officers of election. If any persons were allowed to vote without certificates, they were citizens whose names were on the lists of voters of the said parish, and who had the undoubted right to so vote.

I have already referred to your charge of bribery in this parish, and re-iterate that such charge is utterly and wholly without foundation in fact. The election was fair, honest, and peaceable.

In the parish of Assumption you assert that poll No. 4 should be counted, and not excluded as was done by the returning-board. I do not, at present, know why the said poll was excluded. As it does not affect the result, I make no contest in regard to it.

You also charge that, in this parish, twenty voters, your political supporters, were denied the right to register, and twenty-five minors and ten non-residents were allowed to register and vote for me. This cannot be sustained. The registration was conducted honestly and fairly, under the laws of the State and of the United States, with one of your political friends on the State board of registration, and with your political friend as United States supervisor to scrutinize the registration. The registration and election in the said parish were fair and peaceable, and I accept the votes actually cast at all of the polls as the just result of the said election; that is, if I have the official figures correct, for Breaux, 1,652; Darrall, 1,594.

The same reply is made to your charge that fifty minors and twelve non-residents registered and voted for me in the parish of La Fourche. The registration of this parish was jealously watched and guarded by each political party, and was fair and just. I also deny that the presence of United States troops in the said parish had any influence whatever on the day of election. All citizens voted as they pleased, fairly and without intimidation, except on the part of some of your political friends, who made threats of discharge and did discharge their laborers for voting the republican ticket.

In the parish of Terre Bonne the election was fairly and peaceably conducted; no intimidation or violence was used by either side; one reason of this being a compromise which had been entered into by a portion of the republicans, and your political friends on the local ticket. All the republicans, however, voted for me. The presence of twenty or more United States troops at one place in the said parish had no effect to deter or change any voter from voting as he desired. I do not object to all of the polls of this parish being counted, and the votes as certified to by commissioners of elections and United States supervisors, being received as the just result. I shall demand that this be done. In such case the vote will stand, Breaux 1,362, Darrall 1,601.

In the parish of Saint Mary's your charge that four hundred minors were allowed to register and to vote for me is without any foundation. In this, as in other parishes, the registration was closely scrutinized by your political friends, one of whom was on the board, and by the United States supervisor, and was fairly conducted. The charge that the supervisor did not register at Bayou Bœuf, Wax Bayou, Bayou Sale, and Cypremort, is true of the three first-named places, nor was it ever the custom in former years to go to these points. That one hundred voters at Bayou Bœuf, and one hundred at Wax Bayou were denied the right to register by the supervisor not going to those places, is simply absurd for the reason that there are not at Bayou Bœuf a total of over fifty voters, nor at Wax Bayou over eight voters, most or all of whom registered and voted, as has always been their custom, at Brashear. A poll was established at Bayou Sale, and at this and Cypremort the usual facilities were offered to citizens to register and vote. That they did so is evident from the fact that the registration and vote of your party in the parish was about the same as that of 1872 for member of Congress, in which year your political friends controlled the whole machinery of registration and election.

In the parish of Iberia your charge that one hundred and fifty citizens who were minors, non-residents, or penitentiary convicts, were allowed, contrary to the laws of the State and of the United States, to register and vote for the republican party and for me, cannot be sustained in any particular by the facts. As to the poll at Hubertville, excluded by the returning board, I am not sufficiently informed whether it should be so excluded or not, and I reserve the right, if I so decide, to take evidence that such exclusion was just.

The charge that two hundred voters of Cameron Parish were denied the right to register is not sustained by the record or the facts. Equal facilities were given to all citizens, and the record shows that the number of voters registered in the parish is considerably larger than in 1872, when your political friends had complete control of registration. And, again, if two hundred more voters live in the parish, as you claim, than are registered, it would give, according to the census of 1870, one voter in less than three of population, instead of one in five, the ratio for rural communities.

In reply to your charge that at poll No. 3, in this parish, the election was not conducted by the commissioners in accordance with the law, I have to say that, so far as I am now informed, the election was conducted fairly, only those voted who were entitled to do so, and without intimidation, fraud, or violence. There is no reason in law or justice that this poll should be excluded.

To your charge that in the parish of Saint Martin the supervisor did not go to one or two points in the said parish where he had advertised to go, I reply that he did not do so, because that section of the parish had been overflowed in the spring, and many of the citizens had moved to higher lands; also, that it is the duty of the supervisor to go to points where most of the citizens can be accommodated. For that reason he went to other points at the dates you name. I claim that the registration in this parish was conducted fairly, so far as my friends were concerned. That, so far as they were concerned, the election was conducted fairly and peaceably; that is, so far as official action of supervisor, police-jury, or commissioners of election extends. Nor were any threats or violence used by any of my political friends, as you assert, to influence voters. That the usual number of polls were established. I base this claim of fair action, as to the official conduct of my political friends, on

this fact—that the registration was larger than in 1870, and about equal to that of 1872. Also, that your vote is over two hundred more than was cast for the democratic ticket in this parish in 1872, in which year your political friends had complete control of the machinery of election. I deny that the presence of the United States troops in the said parish had the effect of intimidating voters. The vote cast, as compared with other years, shows this. Nor was their presence used by my political friends for that purpose.

I do claim this, that, in the said parish of Saint Martin, the election was not fair and peaceable, owing to the intimidation and violence inaugurated early in the campaign by your political friends. This violence was practiced toward all republicans of any prominence in the parish. They were compelled in many instances by threats of violence from bodies of armed men, your political friends, to leave their homes and families and were not allowed to return home until a few days before the election. That, by this reign of terror inaugurated and continued by your political friends for the purpose of controlling the election, many citizens were prevented from registering and voting who otherwise would have voted for me. That it will be shown by affidavits of over one hundred citizens of the parish that they were compelled to refrain from registering and voting on account of this condition of affairs, who, if allowed to vote, would have voted for me. I claim then that in all of the said third congressional district, except the parish of Saint Martin, the registration and election of November, 1874, was fair, peaceable and orderly. That in the parish of Saint Martin, the evidence will show on which side and by whom intimidation and violence were practiced. That any and all investigation will only prove I am justly entitled to the said seat.

Respectfully,

C. B. DARRALL.

Hon. JOS. A. BREAUX, *New Iberia, La.*

NEW IBERIA, LA., *February 17, 1875.*

Served the original on Mr. Jos. A. Breaux, by delivering to him in person the present day.

EDWARD H. RIDDELL.

Notice to take evidence in Thibodeaux.

NEW IBERIA, *November 4, 1875.*

JOS. A. BREAUX }
vs.
 C. B. DARRALL. }

Hon. C. B. DARRALL:

SIR: This is to inform you that, in the matter of my contest for a seat in the Forty-fourth Congress, the testimony of the hereinafter named witnesses will be taken before a competent officer, at the office of Clay Knoblock, esq., in the town of Thibodeaux: L. S. Allain, Michel Adam, Wm. C. Ragan, Adrien Rogers, Clay Knoblock, of Lafourche, L. A. Notre. These witnesses will be examined on the 20th instant. The examination will commence at 10 a. m.

Respectfully,

JOS. A. BREAUX.

Answer to the foregoing.

BRASHEAR, LA., November 7, 1875.

Hon. JOS. A. BREAUX:

SIR: I am in receipt of a notice from you to the effect that you intend to take the testimony of certain persons residing in Lafourche Parish, on the 20th of this month, in the case of your contesting my right to the seat in the Forty-fourth Congress from this district. In reply, I call your attention to the law regarding contested elections, by which the time to take evidence is limited to ninety days. This time has expired, and I shall object to any evidence being received except such as may be taken according to law.

Respectfully, &c.,

C. B. DARRALL.

NEW IBERIA, LA., November 10, 1875.

Served the original of this notice on Mr. Breaux this day.

FREDERICK VERZEY,
Editor Iberia Progress.

Notice to take testimony in Iberia.

JOS. A. BREAUX }
 vs. }
C. B. DARRALL. }

NEW IBERIA, November 8, 1875.

To C. B. DARRALL, Esq.:

SIR: You are hereby notified that the following-named witnesses will be examined at the court-house in Iberia Parish on the 24th instant, at 10 a. m., before a competent officer: Messrs. William F. Schwing, L. V. Harker, as witnesses for the contestant against you for a seat in the Forty-fourth Congress.

JOS. A. BREAUX.

Protest of attorney for Darrall.

NEW IBERIA, LA., November 24, 1875.

JOSEPH A. BREAUX, Esq.:

DEAR SIR: Appearing as counsel in behalf of the Hon. C. B. Darrall in the contest you have entered against him for a seat in the Congress of the United States, wherein you claim to have been elected as a Representative from the third congressional district of Louisiana, you have given the said Hon. C. B. Darrall a notice to appear at the court-house, in the parish of Iberia, on the 24th instant, for the purpose of taking further testimony in your behalf. You are therefore notified by him, through me, as his legal representative in the premises, that the time allowed you by law has expired, and we file this as a notification that we protest in your taking any testimony at this late hour, and without being legally authorized to so do, and we respectfully refer you to the law governing such cases: Revised Statutes, page 18, section 107.

Very respectfully,

R. L. BELDEN,
Attorney.

Notice to take testimony in Iberia.

JOS. A. BREAUX }
 vs. }
 C. B. DARRALL. }

NEW IBERIA, November 8, 1875.

To C. B. DARRALL, Esq.:

SIR: You are hereby notified that the following-named witnesses will be examined at the court-house in Iberia Parish, on the 24th instant, at 10 a. m., before a competent officer: Messrs. William F. Schwing, L. V. Harker, as witnesses for the contestant against you for a seat in the Forty-fourth Congress.

JOS. A. BREAUX.

STATE OF LOUISIANA,
 Town of Brashear:

Duly served a true and exact copy of the notice on the reverse hereof by leaving the same at the usual residence or domicile of C. B. Darrall, in the town of Brashear, parish of Saint Mary's, State of Louisiana, in the hands of a person apparently over the age of fourteen years, living and residing in said domicile, known to me as such, and the said C. B. Darrall being absent from home at the time of said service. This done and served this 10th day of November, 1875.

B. F. WINCHESTER.

Protest of attorney of Darrall.

NEW IBERIA, LA., November 24, 1875.

JOSEPH A. BREAUX, Esq.:

DEAR SIR: Appearing as counsel in behalf of the Hon. C. B. Darrall, in the contest you have entered against him for a seat in the Congress of the United States, wherein you claim to have been elected as a Representative from the third congressional district of Louisiana, you have given the said Hon. C. B. Darrall a notice to appear at the court-house, in the parish of Iberia, on the 24th instant, for the purpose of taking further testimony in your behalf. You are therefore notified by him, through me, as his legal representative in the premises, that the time allowed you by law has expired, and we file this as a protest in opposition to your action in so doing, and we respectfully refer you to the law on the subject of taking testimony in contested elections for members of the United States Congress: Revised Statutes, page 18, section 107.

Very respectfully,

R. L. BELDEN,
 Attorney.

Affidavit of William F. Schwing.

STATE OF LOUISIANA, *Parish of Iberia:*

Be it known that on this twenty-fourth day of November, one thousand eight hundred and seventy-five, before me, Léonce B. Delahoussaye, a notary public, duly commissioned and sworn, in and for the parish of Iberia, State of Louisiana, personally came and appeared William F. Schwing, a resident of the parish of Iberia, to me personally known, who, being duly sworn, deposes and says: I am a resident ●

of the parish of Iberia; was a candidate for the legislature at the election of 1874. I was present at the sessions of the Louisiana State returning-board held in New Orleans, during their entire sessions until the doors were closed. I saw filed in the returns from Ascension Parish certain affidavits made by Gen. Allen Thomas, Mr. Marks, a republican, and others, charging fraud and intimidation on election-day in that parish, at polls two, four, five, and six, against the ticket containing the names of Joseph A. Breaux, as candidate for Congress, General Thomas for the legislature, and others, said ticket being a combination republican ticket. Said affidavits charged that at said polls voters, (colored,) to the number of six or seven hundred, who had the above-named tickets in their possession, with the intention of voting same, were compelled, by threats and force, to exchange those tickets for others on which the name of C. B. Darrall appeared, instead of that of Joseph A. Breaux, as candidate for Congress; that these threats and violence came from the colored people who were supporting said Darrall. Said affidavits were deposited among the returns of said parish with the secretary of the board. These affidavits were seen by F. C. Zacharie, Charles Cavanac, and one or two others. Afterward, on behalf of Mr. Breaux, I requested a copy of those affidavits, and was answered by the clerk, Mr. Abell, that they were not there, and could not be found.

In answer to the question, witness answers: I was at the Hubertville poll, in ward first of Iberia Parish, being the poll thrown out by the returning-board. When there, a large number had voted and were still voting in a quiet, orderly, and peaceable manner, the poll being under the conduct of commissioners appointed by the republicans. Both parties expressed to me their entire satisfaction at the manner in which the voting was being done. Whites and blacks went up sometimes together and sometimes separately, each appearing to vote according to his own free will. When I left there nearly all had voted. When the returns from that poll were opened in New Orleans by the returning-board, I was present. There was and has been, to the best of my recollection, no affidavit charging any unfairness at that poll, except one which I think was filed afterward from Mr. R. L. Belden, republican district attorney from the parish of Iberia. When going to that poll on election-day, I met the said Mr. Belden about one mile this side of the poll. He was riding leisurely, and remarked to me as he passed, "You," meaning the conservatives, "are ahead at Hubertville." Mr. Belden returned to that poll no more during the day. Troops were sent to different parishes in the State, and among others to the parish of Saint Martin, adjoining the parish of Iberia. For some days prior to the election affidavits were made through E. H. Riddell, republican United States commissioner, charging prominent conservatives with various offenses on frivolous grounds. The troops at Saint Martin were sent to different parts of the parish to arrest these gentlemen. The effect was that very many white citizens were kept in a continual state of uneasiness, some actually being afraid to remain at their homes. The commissioner was very exacting, requiring bonds. There was no instance in which troops were used to arrest any colored man; and after the election their rage ceased, and the parties arrested were allowed to go without trial. While canvassing the parish, it was evident to me that the presence of the troops restrained many whites from canvassing as energetically as they would have done, and prevented many colored men from voting the conservative ticket. It also rendered republican colored men exceedingly violent and threatening against colored conservatives.

WM. F. SCHWING.

Affidavit of L. O. Hacker.

Mr. L. O. Hacker, being sworn, says: I am a resident of the parish of Iberia, and was at the day of the last general election. I heard the statement of Mr. Schwing in regard to the troops, and I corroborate the same. I was present when a sort of a caucus was held in the town of New Iberia, by C. B. Darrall, Samuel Wakefield, E. H. Riddell, and two or three others. Mr. Riddell stepped out from behind a screen and said, "I want to know about those arrests, and whether I shall make them." He said they had no time to lose. Then C. B. Darrall came out and said, "We will see about that later. I mean to have the opinion of the district attorney on that subject." He said, "If you think that by making some arrests of conservative citizens it would give us votes, then make them immediately; but if you think that it would not, then we shan't make any arrests." Then he turned round to the whole crowd and said, "As to me, all I want is votes." And it was after that the arrests were made. That conference was held in the post-office a few days previous to the last general election. These arrests created a great deal of turmoil in this parish and in Saint Martin.

L. O. HACKER.

At this time R. L. Belden, attorney for C. B. Darrall, who was present during the examination, presented the protest of C. B. Darrall, represented by said attorney, and requested that same be annexed to these presents. The above-named witnesses having signed their testimony as above, I closed the examination.

Done and signed officially on the 24th day of November, A. D. 1875.

L. B. DELAHOUSSE, *Notary Public.*

Statement of votes, poll No. 1, parish of Iberia.

Statement of votes cast at poll No. 1, of election precinct No. 1, of the parish of Iberia, for members of Congress, State and parish officers, at the general election, held November second, 1874, in accordance with law.

Name of persons voted for.	For office of—	No. of votes.
* * * * *	* *	* *
Jos. A. Breaux.....	Congress	308
C. B. Darral.....	"	154

This is to certify that the duplicate return and statement of the election held on Monday, November 2, 1874, at poll No. 1, parish of Iberia, signed by the three commissioners of election, at said poll, was presented on the 4th instant, is now on file in the office of the district court clerk for the parish of Iberia.

In testimony whereof witness my signature and seal of office, this 5th day of November, A. D. 1874.

N. P. HACKER, *Deputy Clerk of said Court.*

STATE OF LOUISIANA, *Parish of Iberia:*

Personally appeared before me, the undersigned authority, L. J. McGaffey, J. P., N. P. Hacker, Joseph Leon, and E. E. Bruttmayer, duly appointed and qualified commissioners of election of poll No. 1, election precinct of the parish of Iberia, State of Louisiana, for the general election held November 2, 1874, who, being duly sworn, depose and say

that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 3d day of November, A. D. 1874.



L. J. MCGAFFEY, J. P.

N. P. HACKER,
JOSEPH LEON,
E. E. BRUTTMAYER,

Commissioners of Election, Poll No. 1, Parish of Iberia.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 6, 1875.

I hereby certify that the above and foregoing is a true and correct copy of the "Statement of votes, poll No. 1, parish of Iberia," cast at the general election held November 2, 1874, for member of Congress for third district of this State, and of the affidavit and certificate signed respectively by "L. J. McGaffey, J. P., N. P. Hacker, Joseph Leon, and E. E. Bruthmayer," (affidavit,) and "N. P. Hacker, deputy clerk of court."

Given under my hand and the seal of the State this sixth day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 6, 1875.

This is to certify that the records of this office show that the votes cast at poll No. 1, election-precinct of the parish of Iberia, election held November 2, 1874, were thrown out by the board of returning-officers of this State.

Given under my hand and the seal of the State this 6th day of November, A. D. 1874, and of the Independence of the United States, the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 1, First-ward election-precinct of the parish of Iberia, Louisiana.

Statement of votes cast at poll No. 1, First-ward election-precinct of the parish of Iberia, Louisiana, for senators and representatives, State and parish officers, and members of Congress at the general election held November 2, 1874, under the provisions of an act to regulate the conduct and to maintain the freedom and purity of elections, &c., approved November 20, 1872.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * *	* *
Joseph A. Breaux	Congress, third district ..	308
Chester B. Darrall	Congress, third district ..	154
* * * * *	* * *	* *

STATE OF LOUISIANA,
Parish of Iberia :

I do hereby certify that the within page contains a full and complete statement of all the persons voted for, and of the total number of votes cast for each, and of the offices for which they were voted for at poll No. 1, parish of Iberia, situated at Hubertville, in First ward, at the election held on the 2d day of November, 1874, as per tally-list kept for me by H. Patout and Dr. S. R. Gay.

F. M. DUMARTRAIT,
United States Supervisor Poll No. 1, First Ward.

STATE OF LOUISIANA,
Parish of Iberia :

Before me, the undersigned authority, personally came and appeared F. M. Dumartrait, who, being sworn, declared that the above certificate was signed by him; that the said certificate is correct and shows the true numbers of votes cast for each candidate, as compiled from the tally-sheets kept at poll 1 on November 2, 1874.

E. H. RIDDELL,
Clerk District Court, Parish of Iberia.

STATE OF LOUISIANA,
Parish of ———, ss :

Personally appeared before me, the undersigned authority, N. P. Hacker, Joseph Leon, sr., and Eugene Brutmayer, duly appointed and qualified commissioners of election of poll 1, First-ward election-precinct of the parish of Iberia, State of Louisiana, for the general election held November 2, 1874, who, being sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have witnessed the counting of the ballots; and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

JOSEPH LEON,
 N. P. HACKER,
*Commissioners of Election, Poll No. 1, Election-Precinct of the
 Parish of Iberia, State of Louisiana.*

Sworn to and subscribed before me this 4th day of November, 1874, in duplicate.

L. J. MCGAFFEY,
Justice of the Peace.

STATE OF LOUISIANA,
Parish of Iberia, Louisiana :

Personally appeared before me, the undersigned authority, F. M. Dumartrait, United States supervisor of election in and for the parish of Iberia, Louisiana, poll No. 1, who, being duly sworn, deposes and says that the foregoing is a true and correct statement of the votes cast at poll No. 1, First-ward election-precinct of the parish of Iberia, Louisiana, at the general election held November 2, 1874.

Supervisor of Registration, Parish of Iberia, La., Poll No. 1.

Sworn to and subscribed before me this — day of November, 1874.

I hereby certify that this is the actual tally-sheet kept by me at poll No. 1, at Hubertville, First ward, Iberia parish, on the night of the 2d instant, immediately after the voting ceased, and continued without

Committee appointed as talliesman,

F. M. DUMARTRAIT,
U. S. S.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 5, 1875.

Given under my hand and the seal of the State this 5th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 6, 1875.

Given under my hand and the seal of the State this 6th day of November, 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Tally-sheet poll No. 1, election-precinct of the parish of _____, State of Louisiana, general election held November 4, 1874, for senators and representatives, State and parish officers, &c.

CONGRESS, THIRD DISTRICT.

C. B. Darrall, ▼
▼ ▼ ▼ iii—(154.)

✿ ✿ ✿ ✿ ✿ ✿

I hereby certify that this tally-sheet was kept at poll No. 1, Iberia Parish, and corresponds with the one kept in the supervisor of registration office.

N. P. HACKER,
Commissioner of Election, Poll No. 1.

NOVEMBER 3, 1874.

I hereby certify that this is the actual tally-sheet kept by me at poll No. 1, at Hubertville, First ward, Iberia Parish, on the night of the 2d of November instant, commencing immediately after the closing the polls for voting, and that it shows the number of votes actually received at that poll by the candidates of the republicans.

I certify the truth and correctness of the above.

F. M. DUMARTRAIT, U. S. S.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 5, 1875.

I hereby certify that the foregoing is a true and correct copy of tally-sheet poll No. 1, election-precinct of the parish of Iberia, general election held November 2, 1874, for member of Congress for the third district of this State, and of the certificate attached thereto signed by N. P. Hacker, commissioner poll No. 1, and F. M. Dumartrait, U. S. S., on file in this office.

Given under my hand and the seal of this State this 5th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 6, 1875.

• This is to certify that the records of this office show that the votes cast at poll No. 1, election-precinct of the parish of Iberia, election held November 2, 1874, were thrown out by the board of returning-officers of this State.

Given under my hand and the seal of the State this 6th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

P. G. DESLONDE,
Secretary of State.

Affidavit of J. B. Hebert, No. 1.

STATE OF LOUISIANA,
Parish of Ascension:

I, the undersigned, assistant supervisor of registration for the parish of Ascension, do hereby certify that after the returns being made of late election held in the parish of Ascension for State, congressional, senatorial, and local officers, the following facts came to my knowledge: That intimidation was resorted to and exercised for the purpose of preventing a free expression of the will of a majority of the voters at the said election, and for the purpose of preventing said voters from voting at said election for the candidates of their choice. In this, that on the day of said election, to wit, Monday, the 2nd of November, 1874, at poll 2nd, in the Second ward, which was located at the school-house, in said ward, certain persons, viz: Peter Jones, Johnson, John Russell, and many others too numerous to mention, did conspire to prevent a free expression of the will of the colored voters at said poll

by intimidation and violence. That at said poll, about (270) two hundred and seventy colored votes were cast. That more than one hundred and fifty colored voters came to said poll to vote provided with the republican ticket, on which were printed severally the names of Chester B. Darrall for Congress, Pierre Landry for senate, Louis Butler and Allen Thomas for the house of representatives, Henry O. Maher for parish judge, Aaron Hill for sheriff, V. A. Cantrell for coroner, William Deggs, Dr. Edw. Duffee, Henry Hayman, R. T. Hanau, and Henry T. Brown for police jurors, and, for justices of the peace, for the 2nd ward W. W. Bufna, for 3d ward, George Turner, for the 4th ward, W. G. Williamson and François Vicknau, and the ticket known as the "Dunn republican tickett," on which were printed severally the names of Jos. N. Breaux, for Congress; Geo. E. Bovee, for senator, Allen Thomas and A. N. Louis for representatives, Isaac Adams for sheriff, J. N. Cheevers for parish judge, William Kenner for coroner, and Dr. Ed. Duffee, R. T. Hanson, H. T. Brown, Aaron Woodly, and Francis Kenner for police jurors; that as fast as said voters bearing said republican ticket and said Dunn republican ticket, and intending and desiring to vote the same, approached said polling-place for the purpose of depositing their said ballots thereat, they were severally, and at times collectively, required and ordered by said persons above named to produce their tickets, and the same were exhibited to either of said persons, Charles Breaux, Peter Jones, Johnson, John Russell, and others, and found to be the republican ticket, and the Dunn republican ticket, with the names as aforesaid upon them, the said tickets were forcibly taken from each of said voters by means of intimidation, and other tickets substituted therefor, which said voters, through intimidation and fear, were forced to place in the ballot-box against their wishes. That the tickets thrust into the hands of said intimidated voters, and which they were forced to deposit in said ballot-box, were styled "republican State ticket," on which the names of the following candidates among others were printed, viz: For Congress, C. B. Darrell; for senate, Piere Landry; for representatives, Louis Butler and S. H. Hill; for sheriff, Aaron Hill; for parish judge, W. O. Maher; for coroner, V. Cantrell; for justices of the peace, ——— ward. That if said voters had been permitted to cast their ballots untram'elled and without intimidation and fear, they would have voted either the republican or the Dunn republican ticket, and Allen Thomas, Dr. E. Duffie, R. T. Hanson, and Henry T. Brown, whose names were on both the republican and Dunn ticket, as aforesaid, and Joseph A. Breaux, Geo. E. Bovee, C. N. Lewis, J. N. Cheeves, Isaac Adams, Wm. Kenner, would have been elected to the places for which they were severally named and printed on said tickets, and received a majority of the votes cast at said poll.

I further certify that all colored voters who came to said poll alone to vote were required to exhibit their tickets, and forced to change it if not that for a "republican State ticket," and that this result was accomplished by intimidating said voters in the manner already recited.

In testimony of which I have hereunto affixed my signature this 11th day of November, 1874.

(Signed)

J. B. HEBERT,
Supervisor.

2d ward, Ascencion. J. B. Hebert supervisor. Reports. 1. Intimidation to prevent voters from voting for candidates of their choice. 2. Chas. Brown, Peter Jones, Johnson, Jno. Roussell, and many others

conspire, and by intimidation and violence prevent a free and fair election. 3. 270 votes (colored) cast; 4. 150 came prepared to vote rep'n ticket with Darrall, Landry, Thomas, Butler, Maher, Hill, etc., etc., on it, or the Dunn rep'n, with Breaux, Bovee, Thomas, Lewis, Cheevers, Adams, Kenner, etc., etc., on it. 5. Ordered and required to show tickets, and forced to exchange them at the polls. 6. Voted through fear. 7. If permitted, would have voted the tickets named.

Affidavit of J. B. Hebert, No. 2.

STATE OF LOUISIANA,
Parish of Ascension:

I, the undersigned, assistant supervisor of registration for the parish of Ascension, do hereby certify that after the returns being made the late election held in the parish of Ascension for State, congressional, senatorial, and local officers, the following facts came to my knowledge: that intimidation was resorted to and exercised for the purpose of preventing a free expression of the will of a majority of the voters at said election, and for the purpose of preventing said voters from voting at said election for the candidates of their choice, in this: that on the day of said election, to wit, on Monday the 2nd of November, 1874, at poll 3, Third ward, which was located at Charles E. Nesmith's store in said ward, certain persons, viz, James Bayley, George Turner, Joseph Penderson, and Samuel Howell, did conspire to prevent a free expression of the will of the colored voters at said poll—every intimidation and violence. That at said poll about one hundred and seventy-five (175) were cast. That more than seventy-five voters came to said poll to vote, provided with tickets known as the "Dunn republican ticket," on which were printed severally the names of Jos. A. Breaux for Congress; Geo. E. Bovee for senator; Allen Thomas and C. A. Lewis for representatives; John A. Chewers, for parish judge; Isaac Adams for sheriff; William Kuner for coroner, and Dr. Edward Duffel, R. T. Hanson, H. T. Brown, Henry Heyman, and Francis Gomez for police jurors, and John Calify for justice of the peace, and Washington Mitchell for constable Third ward. That as fast as said voters bearing said "Dunn republican ticket," and intending to and desiring to vote the same, approached said polling-place for the purpose of depositing their said ballots thereat, they were severally, and at times collectively, required and ordered by every said persons above named to produce their tickets, and the same were exhibited to either of said persons, James Bayley, George Turner, Joseph Penderson, and Samuel Howell, and when found to be "Dunn republican tickets," the said tickets were forcibly taken from each of said voters, every mean of intimidation, and other tickets substituted therefor, which said voters, through fear and intimidation, were forced to place in the ballot-box against their wishes.

That the tickets thrust into the hands of said intimidated voters, and which they were forced to deposit in said ballot-box, were styled "Republican State ticket," on which the names of the following candidates, among others, were printed, viz: For Congress, C. B. Darall; for senate, Piere Landry; for representatives, Louis Butler and G. H. Hill; for sheriff, Aaron Hill; for parish judge, Henry O. Maher; for coroner, Victor Cantrell; for justice of the peace, Third ward, George Turner; for constable, Joseph Penterson. That if said voters had been permitted

to cast their ballots untram'elled and without intimidation and fear, they would have voted the "Dunn republican ticket," and the persons above named whose names were printed on said ticket would have received a majority of the votes cast at said poll. I further certify that all colored voters who came to said poll alone to vote were required to exhibit their tickets and forced to change it, if not that for a "State republican ticket," and that this result was accomplished by intimidating said voters in the manner already recited.

In testimony of which I hereunto affixed my signature this 11th day of November, 1874.

(Signed)

J. B. HEBERT,
Supervisor.

(Indorsed :) 3d ward, Ascension. J. B. Hebert, supervisor. Reports. 1. Intimidation resorted, etc., etc., prevent voters from voting for candidates of their choice. 2. Jos. Bayley, Geo. Turner, Jos. Penderson, and Saml. Howell conspire and prevent a free and fair election. 3. 175 col'd votes cast. 4. 75 would have voted the Dunn rep'n ticket with Breaux for Congress, Bovee for senate, Thomas and Lewis for house, etc. 5. Severally, and at time' collectively, required and ordered to show their tickets and were forced to exchange them. 6. Through fear, voted against their wishes. 7. If permitted, would have voted the Dunn rep. ticket.

Affidavit of J. B. Hebert, No. 3.

STATE OF LOUISIANA,
Parish of Ascension :

I, the undersigned assistant supervisor of registration for the parish of Ascension, do hereby certify that, after the returns being made of the late election held in the parish of Ascension for State, congressional, senatorial, and local officers, the following facts came to my knowledge: that intimidation was resorted to and exercised for the purpose of preventing a free expression of the will of a majority of the voters at said election, and for the purpose of preventing said voters from voting at said election for the candidates of their choice, in this, that on the day of said election, to wit, on Monday the 2d of November, 1874, at poll 5, in the Fourth ward, which was located at the court-house in Donaldsonville, certain persons, viz, Nemonin Conway, Victor Cantrelle, James McCray, Nathan Hays, and Robert Noel, the last three named acting in the capacity of constables, did conspire to prevent a free expression of the will of the colored voters at said poll, any intimidation and violence. That at said poll, about five hundred (500) colored votes were cast. That more than two hundred colored voters came to said poll to vote, provided with tickets known as the "Dunn republican ticket," on which was printed severally the names of Joseph A. Breaux for Congress, Geo. E. Bovee for senator, Allen Thomas and C. N. Lewis for representatives, Isaac Adams for sheriff, John A. Cheeves for parish judge, William Kenner for coroner, and Dr. Edward Duffel, R. T. Hanson, H. T. Brown, Henry Heyman and Francis Gomey for police jurors, and R. T. Duke and Alces Rodrigues for justice of the peace, Fourth ward. That as fast as said voters, bearing said "Dunn republican tickets" and intending to and desiring to vote the same, approached said polling-place for the purpose of depositing their said ballots thereat, they were severally, and at times collectively, required and ordered any

said persons above named to produce their tickets, and the same were exhibited to either of said persons, Noel, Cantrelle, Hays, McCray, Conway, and Landry, and found to be Dunn republican tickets; the said tickets were forcibly taken from each of said voters by means of intimidation, and other tickets substituted therefor, which said voters through intimidation and fear were forced to place in the ballot-box, against their wishes. That the tickets thrust into the hands of said intimidated voters, and which they were forced to deposit in said ballot-box, were styled "republican State ticket," on which the names of the following candidates, among , were printed, viz; For Congress, C. B. Darrall; for senator, Pierre Landry; for representatives, Louis Butler and G. H. Hill; for sheriff, Aaron Hill; for parish judge, Henry O. Maher; for coroner, Victor Cantrelle; for justice of the peace, Fourth ward, W. G. Wilkinson and François Vicknain. That if said voters had been permitted to cast their ballots untrammelled and without intimidation and fear, they would have voted the "Dunn republican ticket," and the persons above named, whose names were printed on said ticket, would have received a majority of the votes cast at said poll. I further certify that all colored voters who came to said poll alone to vote were required to exhibit their tickets, and forced to change it, if not that, for a "republican State ticket," and that this result was accomplished by intimidating said voters in the manner already recited.

In testimony of which I hereunto affix my signature, this 11th day of November, 1874.

J. B. HEBERT,
Supervisor.

[Indorsed.]

4th ward.—Ascension, J. B. Hebert, Sup'r. Reports: 1. Intimidation resorted to and exercised to prevent voters from voting for candidates of their choice. 2. N. Courday, V. Cantrelle, Jas. McCray, N. Hays, and R. Noel conspire, and, by intimidation and violence, prevent a free and fair election. 3. 500 colored votes cast. 4. 200 came prepared to vote the Dunn republican ticket, with Breaux for Congress; Bovee for senate; Thos. A. Lewis for the house; Chevers for judge, &c., &c. 5. Severally, and at times collectively, they were required to, and ordered to, show their tickets, and forced to exchange them. 6. Through fear, forced to vote against their wishes. 7. If permitted, would have voted the Dunn ticket.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, October 8, 1875.

I hereby certify that the above and foregoing to be true and correct copies of the affidavits of J. B. Hebert, assistant supervisor of registration of the parish of Ascension, State of Louisiana, relative to the election held in that parish for State treasurer, Congressmen, (U. S.,) members of the State legislature, &c., on the 3d day of November, 1874.

Given under my hand and the seal of the State, this 8th day of October, 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of G. Miller.

STATE OF LOUISIANA,
Parish of Ascension :

Be it remembered, that on the day of the last election, held November 2, 1874, I, the undersigned, a resident and voter of the Fourth ward of the aforesaid parish, saw and witnessed several acts of intimidation of voters of the aforesaid ward, that tended to prevent a fair, free, and peaceable election.

G. MILLER.

Sworn to and subscribed before me, this — November, 1874.

JOHN A. CHEEVER, *Judge.*

Affidavit of John Wilgam.

STATE OF LOUISIANA,
Parish of Ascension :

Be it remembered, that on the day of the last election, begun and held in the parish of Ascension on the 2d day of November, A. D. 1874, I, the undersigned, a resident and voter of the Fourth ward, saw and witnessed many cases of intimidation of the voters of the aforesaid ward, that tended to prevent a fair, free, and peaceable election in said ward and parish.

JOHN WILGAM +.

G. MILLER.

Sworn to and subscribed before me this 10th day of November, 1874.

JOHN A. CHEEVER, *Judge.*

Affidavit of Osten Dainkenater.

STATE OF LOUISIANA,
Parish of Ascension :

I, the undersigned, a resident of the Third ward, do hereby declare, under oath, that on the day of the last election, held November 2, 1874, witnessed acts of intimidation that tended to prevent a fair and peaceable election.

OSTEN DAINKENATER +.

G. MILLER.

Sworn to and subscribed before me this 10th day of November, 1874.

JOHN A. CHEEVER, *Judge.*

Affidavit of Joseph Maslain.

STATE OF LOUISIANA, *Parish of Ascension :*

I, the undersigned, a resident of the Third ward, do hereby declare under oath, that on the day of the last election, held November 2, 1874, witnessed acts of intimidation that tended to prevent a fair and peaceable election.

JOSEPH MASLAIN.

Sworn to and subscribed before me this 10th day of November, 1874.

JOHN A. CHEEVER, *Judge.*

*Affidavit of William Patterson.*STATE OF LOUISIANA, *Parish of Ascension* :

I, the undersigned, a resident of the Second ward, and parish aforesaid, do hereby state under oath, that on the day of the last election, held November 2, 1874, witnessed acts of intimidation that tended to prevent a fair and peaceable election.

WILLIAM ^{his} + PATTERSON.
mark.

Attest: ALLEN THOMAS.

Sworn to and subscribed before me this 10th day of November, 1874.
JOHN A. CHEEVER, *Judge*.

*Affidavit of Richard Smith.*STATE OF LOUISIANA, *Parish of Ascension* :

I, Richard Smith, a resident of the Sixth ward, parish of Ascension, do hereby solemnly swear that on the day of the last election, held November 2, 1874, witnessed acts of intimidation that tended to prevent a fair and peaceable election.

RICHARD SMITH.

Sworn to and subscribed before me this 10th day of November, 1874.
JOHN A. CHEEVER, *Judge*.

*Affidavit of O. Landry.*STATE OF LOUISIANA, *Parish of Ascension* :

I, the undersigned, a resident of the Third ward, do hereby state under oath, that on the day of the last election, held on November 2, 1874, witnessed acts of intimidation that tended to prevent a fair and peaceable election.

O. LANDRY.

Sworn to and subscribed before me this 10th day of November, 1874.
JOHN A. CHEEVER, *Judge*.

*Affidavit of Horace West.*STATE OF LOUISIANA, *Parish of Ascension* :

I, the undersigned, a resident of the Second ward, do hereby declare under oath, that on the day of the last election, November 2, 1874, witnessed acts of intimidation that tended to prevent voters from voting according to their will.

HORACE ^{his} + WEST.
mark,

Attest: ALLEN THOMAS.

Sworn to and subscribed before me this 10th day of November, 1874.
JOHN A. CHEEVER, *Judge*.

Affidavit of John Valion.

STATE OF LOUISIANA,
Parish of Ascension :

I, the undersigned, a resident of the Second ward, do hereby state under oath, that on the day of the last election, November 2, 1874, witnessed acts of intimidation that tended to prevent a fair and peaceable election.

JOHN ^{his} + VALION.
 mark.

Attest : A. P. DOMINIQUE.

Sworn to and subscribed before me this day of November, 1874.
 JNO. A. CHEEVER, *Judge.*

Affidavit of Solomon Bouie.

STATE OF LOUISIANA,
Parish of Ascension :

I, Solomon Bouie, a resident of the Fifth ward, do hereby swear that on the day of the last election, held November 2, 1874, saw and witnessed acts of intimidation that tended to prevent voters from voting according to their will and desire.

SOLOMON BOUIE.

Sworn to and subscribed before me this 10th day of November, 1874.
 JNO. A. CHEEVER, *Judge.*

Affidavit of Joseph Wallace.

STATE OF LOUISIANA,
Parish of Ascension :

I, Joseph Wallace, a resident of the Fifth ward, do hereby swear that on the day of the last election, held November 2, 1874, saw and witnessed acts of intimidation that tended to prevent voters from voting according to their will and desire.

JOSEPH WALLACE.

Sworn to and subscribed before me this 10th day of November, 1874.
 JNO. A. CHEEVER, *Judge.*

Affidavit of Charles Starks.

STATE OF LOUISIANA,
Parish of Ascension :

I, the undersigned, a resident of the Sixth ward, parish of Ascension do hereby swear that on the day of the election, held on the 2d day of November, 1874, witnessed acts of intimidation that tended to prevent voters from voting according to their wishes.

CHARLES ^{his} + STARKS.
 mark.

Attest to mark: A. P. DOMINIQUE.

Sworn to and subscribed before me this 10th day of November, 1874.
 JNO. A. CHEEVER, *Judge.*

Affidavit of Zak. Louis.

STATE OF LOUISIANA,
Parish of Ascension :

Be it remembered, that on the 2d day of November, 1874, on the day of election, I, Jack Lewis, witnessed and saw several cases of intimidation of voters of the Fifth ward, that tended to prevent a fair, free, and peaceable election.

ZAK. LOUIS.

Sworn to and subscribed before me this 10th November, 1874.
 JNO. A. CHEEVER, *Judge.*

Affidavit of Thomas Smith.

STATE OF LOUISIANA,
Parish of Ascension :

I, Thomas Smith, a resident of the Sixth ward, parish of Ascension, do hereby state under oath, that on the day of the last election, November 2, 1874, I witnessed acts of intimidation that tended to prevent a fair and peaceable election.

his
 THOMAS + SMITH.
 mark.

Attest to mark : A. P. DOMINIQUE.

Sworn to and subscribed before me, this 10th day of November, 1874.
 JNO. CHEEVER, *Judge.*

Affidavit of G. Miller.

STATE OF LOUISIANA,
Parish of Ascension :

Be it remembered, that on the day of the last election, begun and held in the parish aforesaid, on the 2d day of November, A. D. 1874, I, the undersigned, a resident and voter of the Fourth ward, saw and witnessed many cases of intimidation of voters of the aforesaid ward, that tended to prevent a fair, free, and peaceable election.

G. MILLER.

Sworn to and subscribed before me this 10th November, 1874.
 JNO. A. CHEEVER.

Certificate of John A. Cheever.

STATE OF LOUISIANA, PARISH OF ASCENSION,
 November 10, 1874.

I, the undersigned, the parish judge in and for the parish of Ascension, do hereby certify that in the election held in the above-mentioned parish, on the 2d day of November, 1874, that to my knowledge a num-

ber of republicans, through intimidation and irregularities, did prevent not less than six hundred voters from voting for the ticket styled the "Dunn republican ticket," with the names of Jos. A. Braux for United States Congress, George E. Bebee for State senate, Milton Morris and Charles Lewis for members of the house of representatives, and other local officials, candidates on said ticket.

In witness of the above certificate, I, the undersigned, hereby affix my official signature, this 10th day of November, 1874.

JNO. A. CHEEVER,
Parish Judge.

Affidavit of Allen Thomas.

THE STATE OF LOUISIANA,
Parish of Ascension :

Be it known that on this, the 16th day of November, in the year of our Lord one thousand eight hundred seventy-five, before me, Robert N. Simms, a notary public, duly commissioned and qualified, in and for the said parish and State, personally came and appeared Gen. Allen Thomas, a resident of this parish, to me personally known, who, after being duly sworn deposes and says: That at the last State election held in this State on Monday, the 2d of November, 1874, for the election of congressional, State, and local officers, deponent was a candidate for the lower house of the general assembly of Louisiana. That at said election there were three tickets, viz, the "democratic," the "republican," and the "Dunn republican." That the "Dunn republican ticket" was placed in the field and put forward by a large number of disaffected white and colored republicans of this parish, who were opposed to the republican ticket, and who numbered about one thousand in this parish. That on said "Dunn republican ticket," the name of Jos. A. Breaux was placed as a candidate for "member of Congress," third district, and the name of deponent as candidate for house of representatives of Louisiana. That many hundreds of the "Dunn republican tickets," containing the name of Jos. A. Breaux for member Congress for the third district were distributed among the white and colored voters supporting the "Dunn republican" party. Deponent further says that more than five hundred of said "Dunn republican" tickets containing the name of Jos. A. Breaux for member of Congress, third district, would have been voted, in addition to those that actually were voted on said 2d day of November, 1874, but for the threats, abuse, and intimidation of colored voters supporting the republican ticket, who, in a number of instances, took from the "Dunn republicans" the Dunn republican ticket and forced upon them the "republican ticket" with the name of C. B. Darrall on it for member of Congress.

I am informed that in the printed report of the select committee appointed by Congress, in that portion of the President's message relating to the condition of the South, (page 639,) I am reported as saying "upon the Dunn ticket were Mr. ——— for Congress, Mr. Moncure for State treasurer, and myself for the house." This is incorrect. In giving my testimony before the said select committee I stated distinctly and explicitly that Mr. Breaux was upon the Dunn ticket for Congress.

ALLEN THOMAS.

Sworn to and subscribed before me, this 16th of November, 1875.

[SEAL.]

Q. S. SIMMS,
Notary Public.

Certificate of Secretary of State.

STATE OF LOUISIANA,
OFFICE SECRETARY OF STATE,
New Orleans, December 2, 1875.

I hereby certify that the records of this office show that John A. Cheevers was parish judge in and for the parish of Ascension, on the 10th day of November, 1874.

Given under my hand and the seal of the State, this 2d day of December, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of Isaac G. Stansbury.

STATE OF LOUISIANA,
Parish of Cameron :

Personally came and appeared before me the undersigned, parish judge, in and for parish and State above written, Isaac G. Stansbury, to me well known, who, being by me duly sworn, on his oath declares that he is a citizen of said parish and State; his occupation or office, clerk of district court for said parish; that affiant was present nearly all the time of polling of the votes of the election of November 4, 1874, at the Leesburg box of Ward No. 3, of said parish, and all the time during the counting and tallying the votes of said box by the commissioners of election.

During the time of polling votes at said election ballot-box, and commissioners of election were inside of court-room of the court-house, on the east side thereof, and near an open window. Excepting open window, the room containing ballot-box was closed. Voters seemed to be excluded from the room; ballot-tickets or votes were handed into said room through said open window; know of no disturbance whatever during the time of voting or counting votes; ballot was not counted at same place as where it was deposited, but in same room. In counting votes, a table about 8 feet long, and about or upwards of 3 feet wide, was placed in the northwest corner, with one end against the wall of said room. Commissioners were arranged behind or on north side of said table, and against or nearly against the north wall of said room. Commissioner stood in extreme corner of said room, with ballot-box at hand; called off names of candidates on the several tickets, and the other two commissioners kept tally. Tickets could not be scrutinized by bystanders, except when called for, or handed across the table. This was done only in cases where commissioner seemed at loss to make out name on tickets.

As I understood the position of matters, the supervisor of registration and election acted during the count of ballot as though he had a right to control and instruct commissioners; and, as far as I could see, the commissioners acted strictly under his instructions.

Reports of returns of election of this said box, to wit, Leesburg box, of Ward No. 3, have been deposited in my (the clerk's) office. There was no person present competent to swear commissioners to correctness of their report, excepting myself as clerk of district court, and Andrew J. Kearney, then parish judge of said parish. I did not admin-

ister the oath to either of the said commissioners. If either of said commissioners made oath to the correctness of said report, I am not aware of it. Their report does not show the name of any officer in attestation of having administered necessary oath to said commissioners.

I. G. STANSBURY.

Sworn and subscribed to before me this 1st day of February, A. D. 1875, at Leesburg, La.

Witness my official signature.

S. P. HENRY,
Parish Judge, Parish of Cameron, Louisiana.

Affidavit of Isaac G. Stansbury.—No. 2.

On this the 17th day of March, A. D. 1875, came before me, Isaac G. Stansbury, who acknowledges the foregoing statement as testified to by him on February 1, 1875, and further swears that the list of candidates, with the number of votes received by each candidate, offices for which candidates were voted, and number of votes counted from ballot-box, et cetera, was not sworn to before affiant by commissioners of election for the Leesburg box, or box of Ward No. 3, Cameron Parish, La., at the election of November, 1874.

I. G. STANSBURY.

Sworn to and subscribed before me, at the court-house in Leesburg, La., this 17th day of March, 1875.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

Affidavit of R. R. Stewart.

STATE OF LOUISIANA,
Parish of Cameron:

Personally came and appeared before me, the undersigned parish judge in and for the parish and State above written, Ralph Stewart, to me well known, who, being by me duly sworn, on his oath declares and says that he is a citizen of Cameron Parish, Louisiana; that during the year 1874, and while the office of supervisor of registration of this said parish was open for the purpose of registering the electors of this said parish, affiant applied to said supervisor to be registered, and for certificate of registration. Supervisor replied that he thought he could not give such certificate, as I, affiant, had not been in said State and parish ten days. I had been, some months previous to said application for registration-certificate, absent and in Texas. My home has always been in this said State and parish. Said supervisor afterward told me I might register, if I was willing to run the risk. Not knowing the extent of risk, I did not register. The supervisor is a lawyer of this parish, and district attorney, pro tempore, for same, and was at the time of making my aforesaid application.

I would have voted for Joseph A. Breaux, had I been permitted to register, or, rather, had I registered. I did not know that I had a right

to register, and would have registered and voted had I known I had the right.

R. R. STEWART.

Sworn and subscribed to before me this 1st day of February, A. D. 1875, at Leesburg, La.

Witness my official signature.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

Personally appeared before me, the undersigned, parish judge of Cameron Parish, Louisiana, Ralph R. Stewart, who acknowledged, under oath, the facts stated in the foregoing affidavit.

R. R. STEWART.

Sworn to and subscribed before me, at the court-house in Leesburg, Louisiana, on this 19th day of March, A. D. 1875.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

Affidavit of John T. Lindsey.

STATE OF LOUISIANA,
Parish of Cameron:

John T. Lindsey, called upon to testify under oath as to his knowledge of facts connected with and relative to the general election held November 2, 1874, wherein Chester B. Darrall, of ——— Parish, Louisiana, was returned elected to the Forty-fourth Congress of the United States, as Representative from and of the third congressional district of Louisiana, makes the following statement:

I am a citizen of Cameron Parish, Louisiana; was clerk of supervisor of registration and election for said parish, from August 31 to November 12, 1874; was appointed on behalf of the republican party of this parish. My residence is in the western portion of this parish, about seven or eight miles from Sabine Lake; am acquainted with all the resident citizens of this parish on Sabine Lake and Sabine River. There are about twenty of such citizens who are competent to register and vote. They are all democrats; do not remember that any of those citizens registered as voters. Proper facilities for registering were not afforded to them. Their distance from the nearest point where the office of registration was opened prevented them from applying for registration. Had proper or sufficient facilities been afforded the above-named citizens, I believe they would all, or nearly all, have registered and voted. They would have voted for Joseph A. Breanx, of Iberia Parish, as their Representative in the Forty-fourth Congress of the United States, from ——— congressional district of Louisiana. The principal office of registration was at Leesburg, in Third ward of this parish. At this Third ward I knew of no publication in any manner, either of governor's proclamation for election or of any public notice to electors of said ward, as to the day on which the election was to be held. Had there been any such publication or notification, I am sure I would have known it. Supervisor of registration opened his office at only eight places in the parish. No office was opened, or any facility

offered for that portion of the voting-population of the parish residing upon the Mermentau River, above Mermentau Lake, to register.

JOHN T. LINDSEY,
Clerk of Supervisor of Registration, Parish of Cameron.

Sworn to and subscribed before me this 11th day of February, A. D. 1875.

[SEAL.] ISAAC G. STANSBURY,
Clerk Sixteenth Judicial District Court, Cameron Parish, Louisiana.

On this, the 13th day of April, A. D. 1875, John T. Lindsey, being examined on the above and foregoing statement under oath, declares that the same are true, to the best of his knowledge and belief.

JOHN T. LINDSEY.

Sworn to and subscribed before me this 13th day of April, A. D. 1875.

[SEAL.] I. G. STANSBURY, *Clerk.*

Certificate of J. G. Stansbury, district clerk.

STATE OF LOUISIANA,
Parish of Cameron :

I, the undersigned, clerk of the sixteenth judicial district of Louisiana, and parish of Cameron, do hereby certify that the census returns for the year 1875, and for the parish and State aforesaid, now deposited in my (clerk's) office, show the number of legally-qualified voters of this said parish to amount to 428.

And I further certify that the book of registry of voters, as made or filled out by supervisor of registration, during the year 1874, and made for and previous to the holding of general election of that year, when and wherein Joseph A. Breaux and Chester B. Darrall were opposing candidates for Representative in the Forty-fourth Congress of the United States, shows the last and highest number of voters then and therein registered to be 324.

This 19th day of July, A. D. 1875.

[SEAL.] J. G. STANSBURY,
*Clerk Sixteenth Judicial District Court,
Cameron Parish, Louisiana.*

Affidavit of Emanuel Sherman.

STATE OF LOUISIANA,
Parish of Cameron :

In the matter of contested election pending before the United States Congress, in House of Representatives, wherein Joseph A. Breaux contests the right of Chester B. Darrall to a seat in the House of Representatives of Forty-fourth Congress of the United States, as Representative from third congressional district of the State of Louisiana, Emanuel Sherman, having been sworn on his oath, declares :

That during the year of our Lord 1874 there was opened no office

for registering voters in that section of parish of Cameron, State of Louisiana, in which affiant resides; affiant has been a resident of Cameron Parish since the formation of said parish; political sentiments of affiant are democratic and conservative; lives upon Mermentau River, above Mermentau Lake; in the same section of parish in which affiant lives, fifteen voters; that affiant knows to be living in this said parish, and others live there who affiant is not certain live in this said parish, they being near or beyond the northern line of the same; as far as affiant knows, not one of said residents would have voted against Joseph A. Breaux in the last election, held November 2, 1874, but would have voted for said Breaux had they have had offered them the proper facilities for registering and voting. Affiant knows the political sentiments of all or nearly all the voters spoken of above, and gives this testimony only from personal knowledge; affiant did not know when supervisor of registration opened office for registering voters in the ward where affiant lives; he heard that supervisor had opened and closed office for said purpose in said ward, and about fifty miles from residence of affiant; heard others of his neighbors speak of same thing, but this was not known, previous to such opening and closing, generally through the section of country of which affiant is resident.

The only election-poll in the ward in which affiant lives was fifty miles from residence of affiant, and about the same distance on an average from other voters hereinbefore mentioned; affiant never saw nor heard of any proclamation of governor of Louisiana ordering an election in November, 1874.

All the above refers to the registration and election held in Cameron Parish, Louisiana, A. D. 1874.

E. SHERMAN.

Sworn to and subscribed before me me, at the court-house in Leesburg, Cameron Parish, Louisiana, this 17th day of March, 1875.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

STATE OF LOUISIANA,
Parish of Cameron :

I hereby certify that I am personally acquainted with R. R. Stewart, John T. Lindsay, Emanuel Sherman, all of this aforesaid parish and State, and that they are respectable and credible persons, and competent witnesses, and entitled to full faith and credit as such.

Witness my official seal of office and signature this 21st day of May, A. D. 1875.

[SEAL.]

ISAAC G. STANSBURY,
*Clerk Sixteenth Judicial District Court,
Cameron Parish. Louisiana.*

Affidavit of L. Thielland.

STATE OF LOUISIANA,
Parish of Saint Martin :

Before me, the undersigned justice of the peace in and for the First ward of the parish of Saint Martin, personally came and appeared Louis

Thielland, who, being duly sworn, did say and depose that on the 14th of October, 1874, he was duly registered as a voter of the parish of Saint Martin. That on the 2d day of November, A. D. 1874, having repaired to the poll in first precinct of the parish of Saint Martin to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right so to do. That he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative to Congress for the fifth district of Louisiana, and also of voting for the full and entire ticket of the people's party in and for said parish. That this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

L. THIELLAND.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

S. A. MARKS,
Justice of the Peace, First Ward, Saint Martin Parish.

Affidavit of Joseph Thomas.

STATE OF LOUISIANA,
Parish of Saint Martin :

I hereby certify and declare that my declaration in an affidavit handed to the commissioners of election at precinct No. 3 is false and contrary to my sentiments against the white population of the parish of Saint Martin; that is, that I never have been intimidated by no white person, and, on the contrary, have been left free to register and vote in my opinion. Said mentioned certificate or affidavit has been given to me by unknown persons and without my knowing the contents of said affidavit.

his
JOSEPH + THOMAS.
mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

S. A. MARKS,
Justice Peace, Parish of Saint Martin.

Certificate of secretary of state.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, October 23, 1875.

I hereby certify that the foregoing one page and a half is a true and correct copy of the original affidavit on file in my office.

Given under my hand and the seal of the State this 23d day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of ———— .

UNITED STATES OF AMERICA,

State of Louisiana, Parish of Saint Martin :

The undersigned, Charles Gueriniere, sr., United States supervisor of election for the parish of Saint Martin, third congressional district in the State of Louisiana, in his aforesaid capacity, reports that on the 2d day of November, A. D. 1874, election-day, he was officially present at poll No. 3, at Grande Pointe, in the aforesaid parish, and there witnessed the intimidation practiced by the United States cavalry forces against all voters intending to support the people's or democratic conservative ticket; the said intimidation being practiced by their raids in arms in the adjoining country, and their presence in the evening within two arpents of the polls when the votes were being counted, all this to the great fright and intimidation of voters, who, through rumors purposely circulated, were led to believe they were to be arrested for imaginary offenses.

That, as per printed notices and advertisements, the supervisor of registration was to have opened registration-offices in the bayous on the 19th, 20th, and 21st days of October, and through political purposes, and in disobedience to positive orders from William Wright, State registrar, refused to keep said appointments, and thereby deprived at least two hundred and fifty white voters from exercising their right of franchise, which said two hundred and fifty voters would have supported the people's or democratic-conservative ticket, as can be more fully established by sworn affidavits if necessary.

The undersigned further avers and says that, if intimidation had not been practiced by the infantry and cavalry forces of the United States, during the last weeks preceding and on election-day, there would have been at least two hundred colored voters who would have supported the people's or democratic-conservative ticket, and who through said intimidation were either kept from the polls or compelled to vote the radical ticket.

Signed at Saint Martinville this 3d day of November, A. D. 1874.

United States Supervisor.

Certificate of secretary of state.

STATE OF LOUISIANA, OFFICE OF SECRETARY,
New Orleans, October 23, 1875.

I hereby certify that the foregoing is a true and correct copy of an original document (not signed) on file in this office.

Given under my hand and the seal of the State this 23d day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State..

Affidavit of B. B. Daniels.

STATE OF LOUISIANA,

Parish of Saint Martin :

Before me, the undersigned, justice of the peace in and the Fourth ward of the parish of Saint Martin, personally came and appeared B. B.

Daniels, who, being duly sworn, did say and depose that on the 20th day of October, A. D. 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward; that on the 2d day of November, A. D. 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting, and prevented to exercise his right to do so; that he had repaired to said poll for the purpose of voting for J. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire tickets of the people's party in and for said parish; that this action of the commissioner of election is illegal and arbitrary, and that he hereby protests against.

B. B. DANIELS.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

Certificate of secretary of state.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 23, 1875.

I hereby certify that the foregoing affidavit, signed B. B. Daniels, is a true and correct copy of the original on file in this office.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of Charles Savoy.

STATE OF LOUISIANA,
Parish of St. Martin:

Before me, O. Broussard, jr., the undersigned justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Charles Savoy, who, being sworn, did say and depose that on the 20th day of October, 1874, he was duly registered a voter of the parish of Saint Martin, Second ward; that on the 2d day of November, 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so; that he had repaired to said poll for the purpose of voting the full and entire ticket of the people's party herein annexed and indorsed by him; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

CHARLES SAVOY.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of the Peace.

Affidavit of T. J. Beckham.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, the undersigned, O. Broussard, jr., justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared T. J. Beckham, who, being duly sworn, did say and depose that on the 20th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, in the Second ward; that on the 2d day of November, A. D. 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right as to do; that he has repaired to said poll for the purpose of voting for Joseph A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for said parish; that this action of the commissioner of election is illegal and arbitrary, and that he hereby protests against it.

T. J. BECKHAM

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD,
Justice of the Peace.

Affidavit of Antoine Roy.

STATE OF LOUISIANA,
Parish of Saint Martin :

Before me, the undersigned, justice of the peace in and for the Fourth ward of the parish of Saint Martin, State of Louisiana, personally came and appeared Antoine Roy, of the aforesaid parish and State, who did say and depose that he is a resident of the parish of Saint Martin, and that he is over twenty-one years of age; that he had not registered himself whilst registration was going on because he did not want to, and that he was not prevented by any one from registering. He further deposes and says that on the eve of election, after registration had been closed, Hippolyte Lawrence came to his house and told him to come to Breaux Bridge to register; came to Breaux Bridge, and, instead of registering, O. Delahoussaye, jr., made him sign an affidavit stating that he had been intimidated and prevented to register whilst the office of registration was opened, and that the said O. Delahoussaye, jr., told him that he could go and vote on the morrow, the day of election, with said affidavit; and said affidavit was taken from him with his ticket and deposited in a separate box.

He furthermore declared that he had repaired to the poll for the purpose of voting the white man's ticket, (herewith answered,) and not for the purpose of making an affidavit against those whom he considered his friends. Deponent declared that he does not know how to write nor read.

his
 ANTOINE + ROY.
 mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of J. C. Stewart.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, O. Broussard, jr., the undersigned justice of the peace in and for the Fourth ward, of the parish of Saint Martin, personally came and appeared James C. Stewart, who, being duly sworn, did say and depose that on the 20th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward. That on the 2d day of November, A. D. 1874, having repaired to the poll in fourth precinct, of the parish of Saint Martin, to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting, and prevented to exercised his right to do so. That he had repaired to said poll for the purpose of voting for Jos. A. Breaux, as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for said parish. That this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

J. C. STEWART.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of James P. Stewart.

STATE OF LOUISIANA,
Parish of Saint Martin :

Before me, O. Broussard, jr., justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared James P. Stewart, who, being duly sworn, did say and depose that on the 20th day of October, A. D. 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward. That on the 2d day of November, A. D. 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting, and prevented to exercise his right to do so. That he had repaired to said poll for the purpose of voting for Jos. A. Breaux, as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for said parish. That the action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

his
 JAMES P. + STEWART.
 mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of the Peace.

Affidavit of Herman Hoffman.

STATE OF LOUISIANA,

Parish of Saint Martin :

Before me, the undersigned justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Herman Hoffman, who, being duly sworn, did say and depose that on the tenth day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Fifth ward. That on the 2d day of November, A. D. 1874, having repaired to the poll of the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting for J. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in the said parish. That this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

HERMAN HOFFMAN.

Sworn to and subscribed before me this 2d day of November, 1874.

O. BROUSSARD, JR.,
*Justice of the Peace.**Affidavit of William D. Talley.*

STATE OF LOUISIANA,

Parish of Saint Martin :

Before me, O. Broussard, jr., the undersigned justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Wm. D. Talley, who, being duly sworn, did say and depose that on the 10th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward. That on the 2d day of November, A. D. 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting, and prevented to exercise his right so to do. That he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for said parish. That this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

WM. D. TALLEY.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
*Justice of the Peace.**Affidavit of Pierre Alleman.*

STATE OF LOUISIANA,

Parish of Saint Martin :

Before me, O. Broussard, jr., the undersigned justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Pierre Alleman, who, being duly sworn, did say and depose that

on the 20th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward ; that on the 2d day of November, A. D. 1874, having repaired to the poll in fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided, and prevented to exercise his right to do so ; that he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for said parish ; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

his
PIERRE + ALLEMAN.
mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of Jean Valery Guides.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, the undersigned, O. Broussard, jr., justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Jean Valery Guides, who, being duly sworn, did say and depose, that on the 20th day of October, A. D. 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward ; that on the 2d day of November, A. D. 1874, having repaired to the poll, fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held this day in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so ; that he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party, in and for the parish of Saint Martin ; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

his
JEAN VALERY + GUIDES.
mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of F. C. Jennings.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, the undersigned justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared F. C. Jennings, who, being duly sworn, did say and depose that on the 20th

day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward; that on the 2nd day of November, A. D. 1874, having repaired to the poll in fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right so to do; that he had repaired to said poll for the purpose of voting for J. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in the said parish; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

F. C. JENNINGS.

Sworn to and subscribed before me this 2nd day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of Abelard Bruno.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, O. Broussard, jr., the undersigned justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Abelard Bruno, who, being duly sworn, did say and declare that on the 20th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward; that on the 2d day of November, A. D. 1874, having repaired to the poll in fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so; that he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for the said parish; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

his
ABELARD + BRUNO.
mark.

Sworn to and subscribed before me this 2nd day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of Stanislas Zéringue.

STATE OF LOUISIANA,
Parish of Saint Martin :

Before me, O. Broussard, jr., the undersigned justice of peace in and for the Fourth ward of the parish of Saint Martin, personally came and

appeared Stanislas Zéringue, who being duly sworn, says and deposes that on the twentieth day of October, A. D. 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward; that on the 2d day of November, 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so; that he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for the parish of Saint Martin; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

STANISLAS ZÉRINGUE.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of the Peace.

Affidavit of Hugh Stewart.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, O. Broussard, the undersigned, justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Hugh Stewart, jr., who, being duly sworn, did say and depose that, on the 20th day of October, A. D. 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward; that on the 2d day of November, A. D. 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so; that he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party, in and for said parish; that the action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

(Signed)

HUGH STEWART, JR.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

(Signed)

O. BROUSSARD, JR.,
Justice of the Peace.

Affidavit of Simeon Bethencourt.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, O. Broussard, jr., the undersigned, justice of the peace in and for the parish of Saint Martin, Fourth ward, personally came and appeared Simeon Bethencourt, who, after being duly sworn, and did say and depose

that, on the twentieth day of October, A. D. 1864, he was duly registered as a voter of the parish of Saint Martin, Second ward; that on the 2d day of November, A. D. 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so; that he has repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress, for the district of Louisiana, and also voting for the full and entire ticket of the people's party in and for said parish. That this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

(Signed)

SIMEON ^{his} + BETHENCOURT.
mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

(Signed)

O. BROUSSARD, JR.,
Justice of the Peace.

Affidavit of P. O. Hardy.

PARISH OF SAINT MARTIN,
State of Louisiana:

Before me, the undersigned, O. Broussard, jr., justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Oscar Hardy, who, being duly sworn, did say and depose that on the 10th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Fourth ward, having repaired to the poll in fourth precinct of parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so; that he has repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for said parish; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

P. O. HARDY.

Sworn to and subscribed before me this 2d day of November, 1874.

C. BROUSSARD, JR.,
Justice of Peace.

Affidavit of W. S. Rowe.

PARISH OF SAINT MARTIN,
State of Louisiana:

Before me, O. Broussard, jr., the undersigned, justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared W. S. Rowe, who, being duly sworn, did say and depose, that on the 20th day of October, 1874, he was duly registered as a voter

of the parish of Saint Martin, Second ward ; that on the 2nd day of November, A. D. 1874, having repaired to the poll in fourth precinct of the parish of Saint Martin to vote at the regular State and congressional election, held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so ; that he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for the said parish ; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

W. S. ROWE.

Sworn to and subscribed before me this 2d day of November, 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of Geohen Talley.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, O. Broussard, jr., justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Geohen Talley, who, being duly sworn that day, and depose that on the 20th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin ; that on the 2d day of November, A. D. 1874, having repaired to the poll in fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting and prevented to exercise his right as to do so ; that he had repaired to said poll for the purpose of voting for Jos. A. Breaux as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party in and for said parish ; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

GEOHEN TALLEY.

Sworn to and subscribed before me this 2d day of November, 1874.

O. BROUSSARD,
Justice of Peace.

Affidavit of Alexander Mélancon.

PARISH OF SAINT MARTIN,
State of Louisiana :

Before me, O. Broussard, jr., the undersigned justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Alexander Mélancon, who, being duly sworn, did say and depose that on the 20th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, Second ward ; that on the 2d day of November, A. D. 1874, having repaired to the poll in fourth precinct of the parish of St. Martin, to vote at the regular State and congressional election held on such day, in conformity with the executive laws made and provided therefor, he was denied the right of voting and prevented to exercise his right to do so ; that he had repaired to said poll for the purpose of voting for the full and entire ticket of the people's party in and

for said parish; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

his
ALEXANDRE + MÉLANCON.
mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Affidavit of Michel Bruno.

STATE OF LOUISIANA,
Parish of Saint Martin :

Before me, the undersigned, justice of the peace in and for the Fourth ward of the parish of Saint Martin, personally came and appeared Michel Bruno, who, being duly sworn, did say and depose that, on the 20th day of October, 1874, he was duly registered as a voter of the parish of Saint Martin, in the Second ward; that, on the 2d day of November, A. D. 1874, having repaired to the poll in the fourth precinct of the parish of Saint Martin, to vote at the regular State and congressional election held on such day, in conformity with the existing laws made and provided therefor, he was denied the right of voting, and prevented to exercise his right so to do; that he had repaired to said poll for the purpose of voting for J. A. Breaux, as a Representative of Congress for the district of Louisiana, and also for voting for the full and entire ticket of the people's party, in the said parish; that this action of the commissioners of election is illegal and arbitrary, and that he hereby protests against it.

his
MICHEL + BRUNO.
mark.

Sworn to and subscribed before me this 2d day of November, A. D. 1874.

O. BROUSSARD, JR.,
Justice of Peace.

Certificate of secretary of state.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 23, 1875.

I hereby certify that the foregoing twenty pages contain a true and correct copy of the original affidavits, on file in my office.

Given under my hand and the seal of the State, this 23d day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of Theodore Carlin and forty-one others.

STATE OF LOUISIANA,
Parish of Saint Martin :

Be it known that, before me, the undersigned authority, acting in and for the parish of Saint Martin, personally came and appeared the

undersigned parties, who, under oath, declared that they are residents and voters of the aforesaid parish of Saint Martin, and live in that portion of said parish known as Bayou Chene, Grand River, Butte à la Rose and Grand River, and that Louis E. Laboir, supervisor of registration for the parish of Saint Martin, had, by printed notices posted at different points in said parish, informed the voters of the above-mentioned localities that he would repair to Bayou Chene on the 19th of October, and to Grand River on the 20th of October, 1874, for the purpose of registering them, the said voters, and that said supervisor willfully failed to repair to said places, with no other view than to prevent their registration and to deprive them of their right of suffrage; that they were deprived by the supervisor's notice, as otherwise they would have registered at some other points in the aforesaid parish of Saint Martin.

They further aver that, if they had not then been deprived of the privilege of registration and of the exercise of their right of suffrage, they would have voted at the election held in the parish of Saint Martin, on the 2d day of November, 1874, for every one of the candidates whose names appear on this ticket, which is hereto annexed for reference:

Theodore Carlin.	Octave Noper.
J. Bte. Verret.	Gilbert Noper.
A. J. Verret.	John Noper.
M. + Falcon.	Jean + Henry.
William + Paul.	Francois + I. Henry.
John Williams.	Zepherin + Ancoin.
G. B. Meridaza.	Z. Stephion.
Nice + Verret.	J. Bte. + Comean.
Zephirin + Feridnon.	William + Tophin.
John + Noel.	John + Vienna.
Jerome + Blinean.	J. Bte. + Coopel.
Marion + Magonigal.	Junius + Vienna.
James Montgomery.	Anrestile Comean.
W. W. Williams.	Clairveille Erize.
Frank Anderson.	Lewis + Dantin.
V. Alsons Parks.	Augustin + Dubois.
Zepherin Sparks.	Eugene + Huval.
Zephirin Bernard.	Robert Fish.
Macidelle Riloustrie.	Elphege Le Blanc.
Francois + Valmont Henry.	Theogine + Landry.
Augustus Noper.	Ferdinand + Beirsham.

Signed and subscribed before me, the undersigned justice of the peace in and for the Second ward, parish of Saint Martin, this the 12th day of November, 1874.

ARMAND DUGUY,
Justice of the Peace.

WHITE MAN'S TICKET.

For State treasurer.—John Moncure, of Caddo.
For Congress, third district.—Joseph A. Breaux, of Iberia.
For senator, fourteenth district.—E. T. King.
For house of representatives —Chs. Delhommer, Felix Voorhies.
For parish judge.—G. A. Fournet.
For sheriff.—J. B. Comean.
For coroner.—L. P. Domingeaux.

For justices of the peace.—First ward, A. Maraist, E. De Blanc; Second ward, R. Hetherton; Third ward, Chas. Guereniere, jr.; Fourth ward, C. C. Brown, J. A. Domingeaux; Fifth ward, Joseph Lumpkins.

For constables.—First ward, Alf. Fuselier, T. Lapeyruse; Second ward, F. Jennings; Third ward Jos. Sommer; Fourth ward, P. V. Huval, D. Castille; Fifth ward, J. E. McDonald.

For police jury.—First ward, D. Dugas; Second ward, E. Jennings; Third ward, Aurélien Barras; Fourth ward, James Robichaud; Fifth ward, Cyprien Guidry.

Under act No. 4, session of 1874: First proposed amendment, relative to the issue of consolidated bonds. Against approval.

Second proposed amendment: Reducing and limiting the State debt to fifteen million dollars, and limiting taxation. Against approval.

Third proposed amendment: Devoting annual revenues of the State to expenses of the same year. Against approval.

Under act No. 22, session of 1874: Against the amendment limiting the debt of New Orleans.

Under act No. 64, session of 1874: Against the amendment of article 17 relative to the day of electing representatives.

Affidavit of Henry Diamond and seventeen others.

STATE OF LOUISIANA,

Parish of Saint Martin:

Before me, the undersigned authority, acting in and for the parish of Saint Martin, personally came and appeared the undersigned parties, who under oath declared that they are residents of the parish of Saint Martin, and live in the portion of said parish known as Bayou Chene, Grand River, Boutte à la Rose, and Grand River, from whence it was almost impossible for them to repair to any of the polls of election opened in the parish of Saint Martin on the 2nd day of November, 1874; that they were not allowed a poll in any of the aforesaid localities with the voters on the part of the radical authority of the parish of Saint Martin, to deprive them, as was done, of the exercise of their rights of suffrage.

They further aver that if they had voted at the aforesaid election, they would have voted against every one of the candidates on the republican ticket, and in favor of every one of the candidates on the opposite ticket, which is hereto annexed for reference.

his
Henry + Diamond.

Quirilin + Charpentier.

mark.
Numa Verret.
Theodule Carlin.

Clement + Fuhon.
Rosemond + Cemiteare.

Michael Glyron.
Eugene Carlin.
S. A. Mendore.
Achille Verret.
A. D. Stewart.
Jos. F. Snider.

Dennis Carlin.
Gustave Varret.
Arthur + Carlin.
Madison + Kelly.
John + Stockstill.
Belly Brown.

Signed and subscribed before me, the undersigned justice of the peace in the Second ward, parish of Saint Martin, November 12th, 1874.

ARMAND DUGUY,
Justice of the Peace.

WHITE MAN'S TICKET.

For State treasurer.—Jno. C. Moncure, of Caddo.

For Congress, third district.—Joseph A. Breaux, of Iberia.

For senator, fourteenth district.—E. T. King.

For house of representatives.—Charles Delhomme, Felix Voorhies.

For parish judge.—G. A. Fournet.

For sheriff.—J. B. Comeaux.

For coroner.—L. P. Domingeaux.

For justices of the peace.—First ward, A. Maraist, E. Deblanc; Second ward, R. H. Hetherton; Third ward, Charles Guereniere, jr.; Fourth ward, C. C. Brown, J. A. Denigaux; Fifth ward, Joseph Lumpkins.

For constables.—First ward, Alfred Fuselier, A. Lapeyruse; Second ward, F. Jennings; Third ward, Joseph Lonnier; Fourth ward, P. V. Huval, D. Castille; Fifth ward, J. E. McDonald.

For police-jury.—First ward, D. Dugas; Second ward, E. Jennings; Third ward, Aurelien Barras; Fourth ward, James Robichaud; Fifth ward, Cyprien Gurdry.

Under act No. 4, session of 1874.—First proposed amendment: Relative to the issue of consolidated bonds. Against approval.

Second proposed amendment: Reducing and limiting the State debt to fifteen million dollars, and limiting taxation. Against approval.

Third proposed amendment: Devoting annual revenues of the State to expenses of the same year. Against approval.

Under act No. 22, session of 1874: Against the amendment of limiting the debt of New Orleans.

Under act No. 64, session of 1874: Against the amendment of article seventeen, relative to the day of electing representatives.

Certificate of secretary of state.

STATE OF LOUISIANA,

OFFICE OF SECRETARY OF STATE,

New Orleans, October 23, 1875.

I hereby certify that the foregoing six pages contain a true and correct copy of the original affidavits on file in the office of the secretary of state.

Given under my hand and seal of the State this 23d day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Deposition of Alexander De Clouet.

JOSEPH A. BREAUX)

vs.

C. B. DARRALL. }

Third congressional district.

Before me, the undersigned authority, came and appeared ALEXANDER DE CLOUET, of the parish of Saint Martin, who has hereinafter signed, who declared under oath, in answer to the annexed interrogatories, (the said witness being personally known to me,) as follows, to wit:

Before proceeding to examine the said witness the defendant, through his counsel, W. R. White, protested on the ground that the name of said

witness was not entered on the list of witnesses to be examined and furnished to him.

Answer to first interrogatory: In the parish of Saint Martin.

Answer to second interrogatory: Yes, there were troops stationed in the parish. They were stationed, a part in Saint Martinsville, part in Breaux Bridge. There was a company of infantry and a squad of cavalry.

Answer to third interrogatory: Arrests were made. I saw the prisoners in camp; I was arrested, with my son, by the United States marshal, with the assistance of the lieutenant of cavalry; I was not a personal witness to the arrests of other parties; my opinion is that these arrests, coming just on the eve of an election, were to have an influence on the election. I know not of my own knowledge what parties accompanied the troops.

Answer to the fourth interrogatory: They had the effect of intimidating the white voters generally. A number of white voters applied to me to know whether they had better keep out of the way yet or not.

Answer to the fifth interrogatory: I think that the difference could not have been less than 100 votes in favor of Breaux.

Answer to the sixth interrogatory: I do not know exactly; from all the information which I had, at the time of the election, I believe that there are 250 voters.

Answer to the seventh interrogatory: I cannot say whether they were at home or not, but I know that a great many of them were not at the polls.

Answer to the eighth interrogatory: With regard to the sections just mentioned, I saw a certain number of public notices, fixing three days for public registration in the bayous; but on the days fixed by the supervisor himself, he did not go to those precincts, and went to other places. I recollect distinctly, also, that previous to the arrival of the troops, he had advertised a day to go to register voters at Breaux Bridge, but he did not go on that day, but went there a few days after, when the troops had arrived.

Answer to the ninth interrogatory: That I know nothing of, except from hearsay.

Answer to the tenth interrogatory: The only thing I can say is that I observed an unusual quietness considering the excitement that had preceded at the Saint Martinsville precinct which I attended. The troops were at a short distance from the polls, not more than a square or so. The excitement prevailing previous to the election was on the part of whites at what they considered an evident intention to intimidate and harass them, and at the action of the supervisor, by which it was apparent that he did not intend to carry out a fair registration. Telegrams sent to New Orleans from this parish by republicans previous to the election in regard to the action of conservatives in this parish, were absolutely false and tended to misrepresent the action of the conservatives. I have read a statement by Marshal Packard that he had been informed by telegram, which he produced before the advisory board, that witness had discharged his laborers on account of their political opinions, which statement was entirely unfounded. I do not recollect that there were any specific number of arrests reported as to be made. I only heard that there were some one hundred or one hundred and fifty to be made. I know that these arrests were calculated to exasperate the people of this country; exorbitant bail was required, good security was refused in many instances, and the parties were detained an unusual length of time.

Cross-examined by Mr. W. R. White:

I cannot specify the number of democrats who failed to obtain registration who desired it in this parish; nor can I state any of their names, because I am not acquainted with the citizens of the bayous. I am acquainted with some of them. I cannot recall the names of any democratic voters who have been intimidated by the United States troops. From information which I received, many white voters took to the woods. The persons arrested by the United States troops were, besides myself and my son, Placide Huval, Lognon, Patin, Z. T. Fournet, E. Durio, two Hiberts, Oscar Durand, Wiltz. There were some ten or fifteen, as far as I can recollect. I did not see the process. My impression is that they were arrested under the enforcement act. The deputy marshal handed me a paper when I was arrested. My information of the number of voters in the bayous is not official. I got it neither from the census nor registration, there not having been any registration there to ascertain the number of voters. Some democratic voters were intimidated and left before the election and returned only after the election. I cannot state the number nor the names. Some of these parties who absented themselves had arrests served on them at their dwellings, and others apprehended arrest. My opinion is that the number of republican voters is not equal to the number of democratic voters in the bayous. I know, as far as a man can know that things exist, and without counting them, that there is a large majority of democratic voters in the bayous. The voters whom I have stated as having been absent from the polls might have attended the polls at some time during the day. I did not see democratic voters at the polls or near the polls or within two miles of the polls with their guns on the election of the day. The ostensible reason of the arrests made by the troops was the violation of the enforcement act. I know not the cause assigned by the men making these arrests for doing so. I know personally that excessive bail was demanded, from the fact that I offered myself to stand security for four or five of the arrested parties; the amount required by the United States commissioner Riddell was \$6,000 for each man. Most of the arrested parties were men of small means. I do not think that there was one of the fifteen arrested who was worth \$4,000. I think the polling-places were the same in 1874 as in 1872. Of my own personal knowledge I cannot state how many democratic voters who desired registration were refused, nor can I state of my own personal knowledge how many democratic voters were intimidated by United States troops.

By Col. A. De Blanc, for Mr. Breaux:

I was arrested on the affidavit of one of my laborers; my case examined by United States Commissioner Kreider and released. On my place I know of a number of laborers, colored voters, who did not wish to vote and who said that they were obliged to vote. They seemed to fear harm if they did not vote the republican ticket. They seemed to be apprehensive that a great harm would happen to them if they did not vote at all, and *a fortiori* if they voted the democratic ticket. The parties arrested in this parish were all white men and democratic voters.

(All matters entered herein as matters of opinion or as of public notoriety, or as hearsay, are objected to by counsel for defendant.)

ALEX. DE CLONET.

Sworn to and subscribed before me this 30th day of March, 1875.

GABRIEL A. FOURNET,

Of the Parish of Saint Martin, La.

Deposition of A. Fusilier.

JOS. A. BREAUX }
 vs. } Third congressional district.
 C. B. DARRALL. }

On the 25th day of March, 1875, before me, the undersigned authority, personally came and appeared the witnesses who have hereinafter signed, who declared, under oath, in answer to the following interrogatories, as herein mentioned.

The said witnesses are personally known to me, viz: E. A. Duchamp, Alexander Thibodaux, Charles Starr, Lastie Roy, Luke Riquette, Pierre Coclin, Placide Huval, Eugene David, Alcide Fusilier, E. T. King, Dennis Tally, Thaddeus E. Stewart, Alphonse Patin, C. C. Brown, Judge T. Castillo, and Alexander Declonet.

Mr. ALCIDE FUSILIER, being duly sworn :

Interrogatory 1. Where do you reside?—Answer. In Saint Martin Parish, Saint Martinsville.

Int. 2. Were troops stationed in your parish on the day of and previous to the last general election? If you answer in the affirmative, state where they were stationed.—A. Yes; at Saint Martinsville and Breaux Bridge, before the election. I saw them in Saint Martinsville on election-day. I knew they were in Breaux Bridge, but did not see them there on election-day.

Int. 3. State if any arrests were made, and state anything else in connection with the movements of the said troops, and the object of said arrest; who accompanied the troops, and the conduct and language of the parties.—A. Some arrests were made by the troops; white men were arrested; they were kept in the troops' quarters at St. Martinsville. I know not the object of their arrest.

Int. 4. Did the movements of the troops, yes or no, have the effect of intimidating voters?—A. I can't say.

Int. 5. By how many votes would the said Breaux have carried the said parish if troops had not been stationed there?—A. I cannot answer this question.

Int. 6. How many voters reside at Bayou Chine, Grand River, Bayou Sorrell, and American Bayou, in your parish?—A. I do not know. There is a large population there. I have heard persons say one hundred, two hundred, and three hundred, but I cannot say the exact number.

Int. 7. Were they at home on the day of the said election?—A. I do not know.

Int. 8. State all the particulars in connection with the acts of the supervisor of registration in so far as concerns the voters in the sections just above mentioned, and as concerns the voters generally?—A. Notices were given by the supervisor of registration that he would be present in those sections on certain fixed days, to register voters. I believe the days fixed were the 19th and 20th of October. He failed entirely to go to the bayous to register.

Int. 9. Were, yes or no, minors and non-residents permitted to vote? Who did they vote for?—A. I believe there were some; but I can't prove it. I was clerk of registration. The applicants took the oath. I objected, but without effect. My impression is that they voted the radical ticket.

Int. 10. State anything else connected with the said election in your parish on the said day.—A. I know nothing particular.

There being no other witnesses to examine, the examination was closed in presence of Ralph DeBlanc and S. V. Martin, competent witnesses.

A. FUSELIER.

S. V. MARTIN.

RALPH DE BLANC.

GABRIEL A. FOURNET,
Parish Judge.

Deposition of Charles Starr.

JOSEPH A. BREAUX }
vs. } Third congressional district.
C. B. DARRAL. }

Before me, the undersigned, parish judge in and for the parish of Saint Martin, personally came and appeared Mr. CHARLES STARR, of the parish of Saint Martin, who has declared under oath, in answer to the following interrogatories, as herein mentioned, the said interrogatories having been propounded according to previous notice to adverse party that answers to the same would be taken this day, it being the 25th day of March, 1875.

Interrogatory 1. Where do you reside?—Answer. In the parish of Saint Martin.

Int. 2. Were troops stationed in your parish previous to and on the day of the last general election? If you answer in the affirmative, state where they were stationed.—A. They were, and they were stationed at Saint Martinsville, and at Breaux Bridge, in the northern part of the parish.

Int. 3. State if any arrests were made, and state anything else in connection with the movements of the said troops, and the object of said arrests; who accompanied the troops, and the conduct and language of the parties.—A. I do not know anything of my own knowledge, but it was a matter of public notoriety that arrests were made by the troops. The whites in my neighborhood were alarmed and intimidated at the presence of the troops. It was also notorious that men in office in this parish belonging to the radical party were using the troops for the purpose of intimidating the whites, and forcing the negroes to register and vote. It was just as notorious as the sun shines. On the plantation on which I am, the negroes told me that none of them were going to register, but subsequently the parish judge came there with four cavalymen of the United States, and the negroes did register. The effect of the visit of these troops with the parish judge, on the negroes, was the belief that they had to register. The troops were used by the office-holders to intimidate the negroes into a registry. The parish judge told one mechanic this: "If you don't come out and register and vote our ticket you need not come to us if you get into trouble or do not get your wages, for we won't do anything for you."

Int. 4. Did the movements of the troops, yes or no, have the effect of intimidating voters?—A. Their movements had the effect of creating such a of alarm and excitement that the people were not free as they usually were in their movements in regard to the election.

Answer to fifth interrogatory. I have no doubt that Mr. Breaux would have had a larger majority in this parish, had there been no troops here.

Answer to sixth interrogatory. I do not know.

Answer to seventh interrogatory. I do not know.

Answer to eighth interrogatory. The supervisor of registration announced that he was going to open his office at Breaux Bridge, and failed to keep his appointment, and the result was that people did not register who intended to do so. He also registered at places where he had given no previous notice of his future coming.

To ninth interrogatory. I do not know.

To tenth interrogatory. The election, so far as the voting part is concerned, was a fair one, but the registration, which was an initiatory step thereto, was by no means fair. The supervisor of registration managed matters so as to get a large negro registration, and a small white registration.

CHARLES STARR.

Sworn to and subscribed before me, at Saint Martinsville, this 25th day of March, 1875.

GABRIEL A. FOURNET,
Parish Judge.

Interrogatories to be answered.

JOSEPH A. BREAUX }
vs. } Third congressional district.
C. B. DARRALL. }

Interrogatories to be propounded by the undersigned, parish judge, in the above-entitled case, to the following persons, to wit: E. A. Duchamp, Alexandre Thibodeaux, Charles Starr, Lastie Roy, Luke Riquette, Pierre Cochin, Placide Huval, Eugene David, Alcide Fuselier, E. F. King, Dennis Talley, Thaddeus E. Stewart, Alphonse Patin, C. C. Brown, Judge F. Castille, and Alexandre Declouet.

First interrogatory. Where do you reside?

Second interrogatory. Were troops stationed in your parish on the day of and previous to the last general election? If you answer in the affirmative, state where they were stationed.

Third interrogatory. State if any arrests were made, and state anything else in connection with the movements of said troops, and the object of said arrests, who accompanied the troops, and the conduct and language of the parties.

Fourth interrogatory. Did the movements of the troops, yes or no, have the effect of intimidating voters?

Fifth interrogatory. By how many votes would the said Breaux have carried the said parish if troops had not been stationed there?

Sixth interrogatory. How many voters reside at Bayou Chein, Grand River, Bayou Sorrel, and American Bayou, in your parish?

Seventh interrogatory. Were they at home on the day of said election?

Eighth interrogatory. State all the particulars in connection with the acts of the supervisor of registration, in so far as concerns the voters in the sections just above mentioned, and as concerns the voters generally.

Ninth interrogatory. Were, yes or no, minors or non-residents permitted to vote? Who did they vote for?

Tenth interrogatory. State anything else in connection with the said election on the said day.

GABRIEL A. FOURNET,
Parish Judge.

• • • • •

STATE OF LOUISIANA,

OFFICE OF SECRETARY OF STATE,

New Orleans, October 28, 1875.

I hereby certify that the above is a true and correct copy of the original "Tally-sheet, poll No. 4, election-precinct of the parish of Saint Mary," for candidates for member of Congress for the third congressional district of this State, on file in this office, and with no names attached thereto.

Given under my hand and the seal of the State, this twenty-eighth day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Tally-sheet, poll No. 5, ward No. 4, election-precinct of the parish of Saint Mary, State of Louisiana, general election held November 2, 1874, for members of Congress, State and parish officers, &c.

Joseph A. Breaux, for Congress third congressional district.—v v v v v
v v.

C. B. Darrall, *for Congress, third congressional district.*—

STATE OF LOUISIANA,

OFFICE OF SECRETARY OF STATE.

New Orleans, October 28, 1875.

I hereby certify that the above is a true and correct copy of the original "Tally-sheet, poll No. 5, ward No. 4, election-precinct of the parish of Saint Mary," for candidates for member of Congress for the third congressional district of this State, on file in this office, and with no names attached thereto.

Given under my hand and the seal of the State this twenty-eighth day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Tally-sheet, poll No. six, (6,) election-precinct of the parish of Saint Mary, general election held November 2, 1874, for members of Congress, State and parish officers, &c.

FOR CONGRESS, THIRD DISTRICT.

Joseph A. Breanx, v v v v v v v v v—45.

Chester B. Darrall, v v v v iii.—23.

Statement of votes, poll No. 1, parish of Saint Mary.

Statement of votes cast at poll No. 1 of election-precinct No. 2 of the parish of Saint Mary, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Name of persons voted for.	For office of—	No. of votes.
Joseph A. Breaux.....	Congress	85
C. B. Darrell	Congress	169
* * *	* * *	*

Statement of votes—Continued.

No. of ballots.	No. of ballots rejected.	Reasons for rejection of ballots.
* * *	* * *	* * * * *

STATE OF LOUISIANA,
Parish of Saint Mary :

Personally appeared before me, the undersigned authority, John Thomas Gardy, Emile Perret, Emile Barra, duly appointed and qualified commissioners of election of poll No. 1, election-precinct of the parish of Saint Mary, for the general election held November 2d, 1874, who, being duly sworn, depose and say, that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me, this 2d day of November, A. D. 1874.

(Signed)

E. B. MENTZ,
Parish Judge.
EMILE PERRET,
JOHN THOMAS, Sec'y,
EMILE BARRA,

Commissioners of Election, Poll No. 1, Parish of Saint Mary.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the above and foregoing is a true and correct transcript from the original "Statement of votes cast at poll No. 1 of election-precinct No. 2 of the parish of Saint Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto, on file and of record in this office.

Given under my hand and the seal of the State, this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 2, parish of St. Mary.

Statement of votes cast at poll No. 2 of election-precinct No. of the parish of Saint Mary, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
Joseph A. Breaux.....	Congressman.....	109
C. B. Darrall.....	Congressman.....	102

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
* * * * *	* * * *	* * * * *

STATE OF LOUISIANA,
Parish of Saint Mary:

Personally appeared before me, the undersigned authority, Joseph C. Pecot, Damas Kobleur, and F. A. Hamilton, duly appointed and qualified commissioners of election of poll No. 2, election-precinct of the parish of Saint Mary, State of Louisiana, for the general election held November 2d, 1874, who, being duly sworn, depose and say, that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me, this 2d day of November, A. D. 1874.

JNO. W. RICHARDSON,
Justice of the Peace.

J. C. PECOT,
D. KOBLEUR,
F. A. HAMILTON,
Commissioners of Election, Poll No. 2, Parish of Saint Mary.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the above and foregoing is a true and correct transcript from the original "Statement of votes cast at poll No. 2 of election-precinct No. 2 of the parish of Saint Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto, on file and of record in this office.

Given under my hand and the seal of the State, this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 3, parish of St. Mary.

Statement of votes cast at poll No. 3, of election-precinct No. —, of the parish of St. Mary, for members of Congress, State, and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * *	* * * * *
Chester B. Darrall.....	Congressman 3d dis- trict.	Two hundred and twenty, (220.)
Joseph A. Breaux.....	.....do.....	Seventy-nine, (79.)

Statement of votes.—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
* * * * *	* * *	* * * * *

STATE OF LOUISIANA,
Parish of St. Mary :

Personally appeared before me, the undersigned authority, W. P. Kemper, Louis Pellerin, and Perry Bell, duly appointed and qualified commissioners of election of poll No. 3, election-precinct of the parish of St. Mary, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned ; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll, on said day.

Sworn and subscribed to before me, this 3d day of November, A. D. 1874.

W. P. KEMPER,
LOUIS PELLERIN,
PERRY BELL,

Commissioners of Election, Poll No. 3, Parish of St. Mary, La.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the above and foregoing is a true and correct transcript from the original "statement of votes cast at poll No. 3, of election-precinct No. —, of the parish of St. Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto, on file and of record in this office.

Given under my hand and the seal of the State this 28th day of October, 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 4, parish of St. Mary, La.

Statement of votes cast at poll No. 4, of election-precinct No. —, of the parish of —, for members of Congress, State and parish officers at the general election held November 2d, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * *	* * * * *
C. B. Darrall.....	Congressman.....	Six hundred and seventy three.
Joseph A. Breaux.....	.....do.....	Two hundred and nineteen.

Statement of votes.—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
* * * * *	* * *	* * * * *

STATE OF LOUISIANA,
Parish of Saint Mary :

Personally appeared before me, the undersigned authority, A. G. Fure, Abe Davis, and David Allen, duly appointed and qualified commissioners of election of poll No. 4, election-precinct of the parish of Saint Mary, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at said poll on the day above mentioned ; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me, this 3d day of November, A. D. 1874.

E. S. FLEUROT.
Superrisor of Registration, Parish of Saint Mary.

D. ALLEN,
A. DAVIS,
A. G. FURE,
Commissioners of Election, Poll No. —, Parish of —.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the foregoing is a true and correct transcript from the original "statement of votes cast at poll No. 4, of election-precinct No.—, of the parish of St. Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto on file and of record in this office.

Given under my hand and the seal of the State this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 5, parish of St. Mary.

Statement of votes cast at poll No. 5, of election-precinct No. 4, of the parish of St. Mary, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of vote.
* * * * *	* * *	* * * * *
Joseph A. Breaux.....	Congressman.....	One hundred and fourteen, (114.)
C. B. Darrall	Congressman.....	Two hundred and fifty, (250.)

Statement of vote—Continued.

Number of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
* * * *	* * *	* * * * *

STATE OF LOUISIANA,

Parish of St. Mary :

Personally appeared before me, the undersigned authority, T. E. Kennedy, A. D. Lacy, and Shakspeare Allen, duly appointed and qualified commissioners of election of poll No. 5, election-precinct of the parish of St. Mary, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 3d day of November, A. D. 1874, at the Centreville precinct.

H. CRAWFORD,
SHAKSPEARE ALLEN,
T. E. KENNEDY,
A. D. LACY,

Commissioners of Election, Poll No. 5, Parish of St. Mary.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the above and foregoing is a true and correct transcript from the original "statement of votes cast at poll No. 5, of election-precinct No. —, of the parish of St. Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto on file and of record in this office.

Given under my hand and the seal of the State this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 6, parish of St. Mary, Louisiana.

Statement of votes cast at poll No. 6, of election-precinct No. —, of the parish of St. Mary, for members of Congress, State, and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * * * *	* * * * *
Joseph A. Breaux.....	Congressman third district	Forty-five, (45.)
Chester B. Darrall .....	.....do.....	Twenty-three, (23.)

Statement of votes—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
* * * * *	* * * * *	* * * * *

STATE OF LOUISIANA,
Parish of St. Mary :

Personally appeared before me, the undersigned authority, _____, _____, _____, _____, duly appointed and qualified commissioners of election of poll No. 6, election-precinct of the parish of St. Mary, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this _____ day of November, A. D. 1874.

L. D. VINSON,
JOSEPH BERWICK,
S. R. PILE,
Commissioners of Election, Poll No. —, Parish of —.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the above and foregoing is a true and correct transcript from the original "statement of votes cast at poll No. 6, of election-precinct No. —, of the parish of St. Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto on file and of record in this office.

Given under my hand and the seal of the State this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

BREAUX VS. DARRALL.

Statement of votes, poll No. 7, parish of St. Mary.

Statement of votes cast at poll No. 7, of election-precinct No. —, of the parish of —, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * *	* * *	* *
Chester B. Darrall.....	Member of Congress	216
Joseph A. Breaux.....	do.....	226

Statement of votes.—Continued.

No. of ballots in box.	Number of ballots rejected.	Reasons for rejection of ballots.
* *	* * *	* * *

STATE OF LOUISIANA,
Parish of St. Mary :

Personally appeared before me, the undersigned authority, D. B. Allison, A. Cornay, and O. S. Clarke, duly appointed and qualified commissioners of election of poll No. 7, election-precinct of the parish of St. Mary, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 2d day of November, A. D. 1874.

D. B. ALLISON,
OLIVER S. CLARKE,
A. CORNAY,
Commissioners of Election, poll No 7, parish of St. Mary, La.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the above and foregoing is a true and correct transcript from the original "statement of votes cast at poll No. 7, of election-precinct No. —, of the parish of St. Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificates and names attached thereto on file and of record in this office.

Given under my hand and the seal of the State this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]



P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 8, parish of St. Mary.

Statement of votes cast at poll No. 8, of election-precinct No. — of the parish of St. Mary, for members of Congress, State and parish officers, at the general election held November 2, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * *	* * * * *
Chester B. Darrall.....	Member Congress, 3d district.	Four hundred and ninety-six, (496.)
Joseph A. Breaux.....	..... do.....	One hundred and seventy-four, (174.)

Statement of votes.—Continued.

No. of ballots in box.	No. of ballots rejected.	Reasons for rejection of ballots.
* * * * *	* * *	* o * * *

STATE OF LOUISIANA,
Parish of St. Mary:

Personally appeared before me, the undersigned authority, Joseph P. Walter, Van B. Vinson, and Levi M. Darrall, duly appointed and qualified commissioners of election of poll No. 8, election-precinct of the parish of St. Mary, for the general election held November 2, 1874, who, being duly sworn, depose and say that they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 3d day of November, A. D. 1874.

W. B. MERCHANT,
United States Commissioner, District of Louisiana.

JOHN P. WALTER,
VAN B. VINSEN,
L. M. DARRALL.
Commissioners of Election, Poll No. 8, Parish of St. Mary.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the above and foregoing is a true and correct transcript from the original "statement of votes cast at poll No. 8, of the election precinct No. —, of the parish of St. Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto on file and of record in this office.

Given under my hand and the seal of the State this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Election returns of the parish of St. Mary.

FOR CONGRESS—THIRD DISTRICT.

Poll.	Chester B. Darrall.	Poll.	Joseph A. Breaux.	Poll.	Henry Newberger.
1.....	169	1.....	85	8.....	1
2.....	102	2.....	109	.....	.....
3.....	220	3.....	79	.....	.....
4.....	673	4.....	219	.....	.....
5.....	250	5.....	114	.....	.....
6.....	23	6.....	45	.....	.....
7.....	216	7.....	220	.....	.....
8.....	496	8.....	174	.....	.....
	2,149		1,045		1

I, Daniel B. Allison, clerk of the third judicial district court for the parish of St. Mary, do hereby certify that the foregoing election-return of the election held for said parish on the 2d day of November, A. D. 1874, to be correct.

Witness my hand and official seal this 5th day of November, A. D. 1874.

[SEAL.]

DANIEL B. ALLISON,
Clerk District Court.

E. S. FLEUROT,
Supervisor of Registration, Parish of St. Mary, La.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, October 28, 1875.

I hereby certify that the foregoing is a true and correct copy of the original "election-returns of the parish of St. Mary," for candidates for member of Congress for the third congressional district of this State, and of the certificate and names attached thereto on file in this office.

Given under my hand and the seal of the State this 28th day of October, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

PAPERS OF CONTESTEE.

Testimony taken on behalf of C. B. Darrall, in the contested-election case of Joseph A. Breaux vs. Chester B. Darrall, on the 8th day of May, A. D. 1875, for a right to a seat in the House of Representatives of the United States.

Deposition of Thomas Murphy.

THOMAS MURPHY sworn:

Question. Where do you reside?—Answer. I reside in the parish of Cameron, Louisiana.

Q. How long have you lived here?—A. I was born and raised here; twenty-two years.

Q. At what place did you vote at last election, November 2?—A. I voted at this place, Leesburgh, ward Third.

Q. Which of the two men did you vote for, Joseph A. Breaux or C. B. Darrall?—A. I voted for Joseph A. Breaux.

Q. Were you about the polls of the Third ward much on that day, the day of election, November 2, 1874?—A. I was; about half of the day.

Q. How did you place your ballot in the box on that day?—A. I handed it in to Norbert Le Boeuf.

Q. Did you understand that Norbert Le Boeuf had a right to take a vote?—A. Yes.

Q. Did you see anything unfair on that occasion?—A. No, sir; I did not.

Q. Did you see anybody else vote on that day?—A. I saw a good many vote on that day at this place.

Q. From all that you know of the registration and election last fall in this parish, what have you to say as to the honesty and fairness of said registration and election?—A. It was honest and fair, as far as I know.

Crossed :

Q. How much was you with the supervisor of registration during the time of registering?—A. I was here the day I voted, but not with the registrar much during the time of registration.

his
THOS. + MURPHY.
mark.

Sworn to and subscribed before me this 8th day May, 1875.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

Deposition of Esau Chadwell.

ESAU CHADWELL, sworn in behalf of C. B. Darrall:

Question. Where do you live?—Answer. I live in the parish of Cameron, Third ward, and about two miles from Leesburgh.

Q. How long have you been living here?—A. About five years up here.

Q. What business do you follow?—A. I am a farmer.

Q. What political party did you belong to last election?—A. I did not belong to any political party.

Q. Were you not an officer of the election at the last election on November 2, 1874?—A. I was commissioner of election on that day at poll No. 3, Leesburgh.

Q. How was the election at poll No. 3 conducted; the manner in which the votes were received; the counting of the same, and the returning of the same?—A. The election was peaceable, as much so as I ever seen. Ballots were passed in at the window to Mr. Norbert Le Boeuf, one of the commissioners. I examined the registration certificate and signed the same. They were fairly counted, as far as I know. The returns was made out fair as I know of.

Q. Was there any dishonesty or foul play in the voting, counting of the votes, or the returning of the same on that day?—A. As far as I

know there was nothing wrong or unfair; and if there was anything wrong it was through ignorance on my part, and I believe the same on the part of the other commissioners.

Q. Did any one interrupt or unlawfully tamper with or intermeddle or endeavor to control the official actions of the commissioners of elections while they were performing their duties on that day?—A. No, sir; I saw no one meddling with us around the polls at all. I saw no one meddling with us as commissioners.

Q. Have you any knowledge of there having been a registration in the parish in 1870 or 1871, and 1872?—A. Yes; Mr. Carter and Mr. Gaptill registered before Mr. Tansy.

Q. Do you know whether the office of registration was ever opened on the Mermenton River, at a point higher than the residence of Vilior Sheriot's?—A. I did not know of any being established except around here.

Q. It is alleged that the supervisor of registration, intentionally and with the purpose of favoring the election of C. B. Darrall, neglected to register two hundred voters on the Mermenton River, Sabine Lake, and Sabine River; state whether this be true in as far as there are that number of persons entitled to registration residing in these localities.—A. I was never there; I don't know.

Q. From what you know of the registration and election last fall, what have you to say as to its honesty and fairness?—A. I know of no other place but this neighborhood, and there everything was fair and honest as far as I could see or know; they registered me fairly.

Q. Previous to the election last fall did you hear of any complaints, generally, against the manner and form of registering the parish?—A. Not that I remember.

Crossed :

Q. On the day of the election, who was permitted to come into the room in which the ballot-boxes and commissioners of election were?—

A. James Root came, and was ordered to leave, this not being his place. He did leave.

Q. Did commissioners count the votes in the same place in the house where the ballots were deposited?—A. No, sir; ballots were received at the window in the front of the house, and they were counted in another portion of the same room in which they were received.

Q. What time did the change of place occur?—A. About 6 o'clock p. m. same day. We moved the ballot-box for the convenience of letting the people be present at the counting of the votes.

Q. Had artificial lights been made before the table was moved?—A. Yes, sir; I think that the lights were made before the table was moved.

Q. Could more persons get around the table after it was moved than where it was at before its removal?—A. I think it was about as handy one way as the other, but think that it was moved for the convenience of the people and the commissioners.

Q. Did you know, at the time of the election, that the people had the right to see the tickets as they were being counted?—A. I did not know that it was law that we, as commissioners of election, had to sit in a position so that the people all around could see the tickets as they were being counted, but we announced to the people that if any one wanted to see any ticket as they were being counted, they could do so by having it passed across the table. We did not want to conceal anything.

Q. Could the tickets be seen without being called for, and passed across the table?—A. I did not think they could, but I am not positive.

Q. If bystanders had called for every ticket that was produced on the count of the ballots at Leesburgh poll, of the election of November 2, 1874, how long would you have been counting the votes?—A. I really cannot say, but it would have taken a long while.

Q. How long did it take you to count the votes?—A. I do not know exactly how long it was.

Q. From the number of persons that were in the room, if each one had insisted on his right to see each ticket, can you form any idea what length of time would it have taken you to complete the count of the vote?—A. I could not form any idea.

Q. Do you think you could have completed it that night?—A. I couldn't say; there were considerable number of persons around.

Q. Were all the votes counted in the full view of the people?—A. They were so counted that bystanders could see the tickets, but I don't think they could see the contents of the tickets without they were passed to them. There were a couple of lights on the table.

Q. What was behind you that kept persons from being behind the commissioners so as they could have a view of the tickets as they were received?—A. I don't know whether our backs touched the wall, or whether there was a little space or not.

ESAU CHADWELL.

Sworn to and subscribed before me, this 8th day May, 1875.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

Deposition of L. F. Suthon.

L. F. SUTHON, sworn on behalf C. B. Darrell.

Question. Where do you reside, and how long have you resided where you now live?—Answer. I reside at Leesburgh, Cameron Parish, Louisiana, and have lived here since July 1873.

Q. What is your business or profession?—A. I am a lawyer.

Q. What political party do you belong to?—A. I belong to the democratic party.

Q. Which of the two contestants did you vote for at the last election.—A. I voted for Joseph A. Breaux, esq.

Q. Was it not your heartfelt desire to see him elected at the last election, November 2, 1874?—A. Yes, sir, it was; I did what I could to secure him votes in this parish.

Q. Who represented the democratic party in this parish at Vermillionville at a convention held there some time last summer?—I went to Vermillionville as proxy from this parish for a representative who was elected to attend a convention for the purpose of nominating a State senator.

Q. During the last registration for the election, November 2, 1874, did you have frequent occasion to visit the books of registration and to scrutinize the manner in which it was done?—A. I went to be registered myself; visited the office frequently, while it was opened at Leesburgh; I usually looked at the last names registered to see how many were registered; I cannot say that I scrutinized the books.

Q. During the last campaign did you travel over the parish much?—A. Yes, I traveled over a large portion of the parish.

Q. From what you know of the registration and election last fall, state whether the same was honest and fair?—A. As far as my observation went, I think registration and election both fair.

Q. Were you not present all or the most of the time at poll No. 3, from the time said poll was closed until the votes cast at said poll were counted?—A. Yes, I was present at the counting of the whole vote cast at poll No. 3.

Q. Did you see anything unfair or dishonest in the counting of said votes?—A. I did not.

Crossed by plaintiff:

Q. Do you know that there was no fraud practiced here at the election?—A. There was none to my knowledge. I mean, if there was any fraud I was not cognizant of it.

Q. Was the votes counted in the same place where received?—A. No, they were not; they were counted in the same room in which they were deposited, but not in the same part of the room.

Q. As the votes were being counted, could the bystanders have a full and free view of the names of candidates on the tickets voted?—A. My opinion is, to the best of my recollection, that those of the bystanders immediately around the table could distinguish what candidates were voted for; the commissioner who counted the votes had to lean forward to the light to read the names. After reading the tickets he strung them on a needle and thread. The votes as strung were placed near the center of the table, and any one standing near the position I occupied could see the names on the ballots after being strung. I would state, also, that different colored tickets were used which gave bystanders some idea of what candidates were voted for.

LUCIUS F. SUTHON.

Sworn to and subscribed before me this 8th day May, 1875.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

Deposition of S. P. Henry.

S. P. HENRY, sworn on behalf C. B. Darrell, by clerk court:

Question. Where do you reside?—Answer. Town of Leesburgh, Cameron Parish, Louisiana.

Q. Are you an officer of the parish; and, if so, what office do you fill?—A. I hold the office of parish judge.

Q. By virtue of what do you hold said office?—A. By election of the people.

Q. When was said election held?—A. November, 1874.

Q. Did you pay much attention to the manner in which the registration and election were conducted by the officers in charge of the same?—A. I did.

Q. Please state, as far as you know, whether the same was conducted honestly and fairly, as the case may be.—A. It was conducted fairly and honestly, as far as I know.

Q. What was the political complexion or heading of the ticket on which you were elected?—A. Democratic.

Q. Were you present at poll No. 3, in the town of Leesburgh, at the time when that poll was closed and the tickets or ballots contained in

the poll-box were counted on the day of aforesaid election?—A. I was present at the closing of the polls that day, and I was present the most of the time during the counting of the tickets.

Q. Did you see anything done, by the commissioner of said poll, irregular or informal?—A. As far as my knowledge goes, I saw nothing irregular or informal.

Q. Were you present on that occasion when the supervisor of registration announced publicly that any bystander had the right to call for and examine any or all the tickets, as the same would be counted and tallied?—A. I was present when the supervisor of registration announced that any bystander that wanted to see any ticket could call for it as the same was being counted and tallied. Whilst I do not remember the exact words used by the supervisor of registration, the impression conveyed to my mind was, that every voter present had the right, and would be allowed the privilege, of examining the tickets, as they were read and counted, if he desired to do so.

Q. Did you see any attempt on the part of the commissioners of election at said poll to conceal anything from the bystanders?—A. I did not.

Q. Were the ballots counted in the same room in which they were received?—A. They were counted in the same room.

Q. Did the commissioners of election have the control of the ballot-box on that day?—A. They did.

Q. Did you see anybody unlawfully tamper or interfere with commissioners of election whilst in charge with poll 3?—A. I did not.

Q. Have you ever been on the Sabine River, in this parish?—A. I have been on Sabine Lake, in this parish.

Q. Are you acquainted with anybody in this parish living on that lake?—A. Yes, sir.

Q. Have you conversed recently with any one living there; and, if so, who?—A. I have conversed with Jacob J. Simmons, who lives on the border of the lake.

Q. Did he complain to you that the supervisor of registration had neglected or refused to register him?—A. He did not.

Q. State what he said to you in regard to registration and election?—A. He said that if he had wanted to register and vote, he could have gone to Johnson's Bayou.

Q. Please state whether the supervisor of registration offered to go to any part of the parish, if a conveyance could be had without causing too much expense to the parish?—A. He told me he would do so.

Q. Is it to your knowledge that some of the friends of Joseph A. Breaux said that they would furnish the supervisor and his clerk a conveyance to go on Sabine Lake and River?—A. There was an understanding between myself and George Smith, who was at the time of this understanding a candidate for parish judge, and claimed to be a democrat, that there would be means afforded to carry supervisor of registration and his clerk to the settlement on Sabine Lake.

Q. Was that means afforded, and is it to your knowledge that when the supervisor went into that ward to register, he expressed a regret that the same had not been furnished?—A. No means were afforded, as far as I know, and the supervisor did complain to me that the means had not been afforded. When I met him on Johnson's Bayou, in the discharge of his duties as register, his complaint was that we had delayed his means of conveyance to carry him to the Sabine settlement, until it was now too late.

Q. Please state how many times this parish has been registered since you have been a resident thereof?—A. Twice.

Q. Is it to your knowledge, that the supervisors of the first of these registrations did open the office of registration on Sabine Lake, Sabine River, or Mermenteau River, at a point higher than the residence of Viliar Theriot?—A. It is not.

Crossed by plaintiff:

Q. Could the ballot-box or the ballot have been interfered with without your personal knowledge?—A. It could. I was not present all the time.

Q. How many days elapsed from the time the supervisor left Leesburgh to go to Johnson's Bayou, until you met him there when the conversation occurred about the conveyance to Sabine Lake and River?—A. It was two or three days, I think. It was understood that supervisor was to go to the settlement on Sabine Lake and River one of those days that he had advertised to register that ward.

Q. Did you ever see public notices stating the different places where the office of registration would be opened?—A. I saw a notice here, one on Cow Island, and one on Johnson's Bayou; don't recollect the contents in full.

Q. Did you ever see any notice that the office of registration would be opened on Sabine Lake and River?—A. I don't recollect that I did. I don't remember that I did not see it.

In chief:

Q. Is it to your knowledge that the supervisor of registration gave to George Smith, a resident of the ward in which the settlement on Sabine Lake and River are situated, a notice for him to post up, or have posted up at Wood's mill, for the purpose of opening the registration at that place?—A. Smith told me he had received such notices from the supervisor to put up, and that he would see to it.

Q. Was there a newspaper published in this parish during last year?—A. There was not.

S. P. HENRY.

Sworn to and subscribed before me this 10th day of May, A. D. 1875.

J. G. STANSBURY,

Clerk Sixteenth Judicial District Court, Cameron Parish, Louisiana.

Deposition of J. G. Stansbury.

J. G. STANSBURY sworn on behalf of C. B. Darrell.

Question. Where do you reside?—Answer. Leesburgh, Cameron Parish, Louisiana.

Q. Are you an officer of the parish; and if so, state what office you hold.—A. I am clerk of the district court, Cameron Parish.

Q. Are you not clerk of the parish court?—A. I act as clerk of the parish court.

Q. Are you clerk of the police jury, and how long?—A. I am, and have been for eleven months.

Q. You being clerk of the police jury, is it to your knowledge that the supervisor of registration applied to the police jury and asked them to establish polls in the settlements on Sabine and Mermenteau Rivers, in this parish, for the purpose of giving greater facilities to the inhabitants of those sections to vote?—A. I disremember.

Q. What are your politics?—A. I am a democrat.

Q. Were you secretary of the democratic club last fall ?—A. I was.

Q. Whether did you vote for C. B. Darrell or Joseph A. Breaux, at the last election ?—A. I voted for Joseph A. Breaux.

Q. Would you have been glad to have seen Joseph A. Breaux elected ?—A. I would.

Q. How many times has the parish of Cameron been registered, to your knowledge ?—A. Three times.

Q. Is it to your knowledge that either or both of the two former supervisors of registration opened the office of registration on the Sabine and Mermentau Rivers ?—A. It is not.

Q. Is it to your knowledge that the residence of Viliar Theriot, on the Lower Mermentau, is the most available place for persons to register lower down, or south of the Mermentau Lake ?—A. I am not familiar with that section of the country.

Q. Have you observed the manner in which the registration of the parish was conducted last fall ?—A. As far as the Leesburgh office is concerned, I had observations of that office.

Q. Did you see any unfairness on the part of the supervisor of registration in the discharge of his official duties ?—A. I cannot say that I did.

Q. Where was the election held at this precinct ?—A. In the court-room of the court-house.

Q. Was there any partition wall, or screen, between the place where the ballots were received and where they were counted ?—A. There was none.

Q. How were the ballots received ?—A. Through the window.

Q. How large an opening ?—A. About three feet square.

Q. Did it afford ample room ?—A. I think that it did.

Q. How large is the court-room ?—A. I am not certain ; I think about sixteen feet square.

Q. Were you present when the votes were counted at poll number 3 ?—A. I was.

Q. Did you keep a private tally ?—A. I did.

Q. Did your tally for Joseph A. Breaux and C. B. Darrell correspond with the tally made by commissioners of election ?—A. I believe that it did.

Q. From what you know, and from what you have seen, have you seen anything wrong or unfair at the last registration and election ?—A. I have not.

Q. Were the tickets counted in the full view of all the bystanders ?—A. They were.

Cross by Joseph A. Breaux, plaintiff:

Q. What do you mean ; that the tickets were counted in the full view of all the bystanders ?—A. I mean that all the persons that were in the room could see the tickets as they were taken out of the box, and persons that were in close proximity to the commissioner, as he called them, could have seen the names of the candidates on the tickets.

Q. Was the arrangement of the table and seats of the commissioners, while counting votes, such as would have accommodated the greatest number of bystanders in the privilege of having a view of the tickets as they were read ?—A. If the table had been in the middle of the room, and the commissioners on one side, as they were, more persons could have got behind the commissioners.

Q. Were you intimately acquainted with the facts of the registration and election as to be able to say there was no unfairness ?—A. I was

not; my knowledge was limited as to the registration and election. I visited the office several times while here.

Q. How many commissioners of election were there at poll No. 3?—

A. There were Norbert Le Boeuf, Caleb B. Jones, and Esau Chadwell.

Q. How many of those three were known to you as democrats?—A. Only one, Caleb B. Jones, that I see on the democratic roll.

Q. By what are you guided in this knowledge?—A. By the democratic roll-book.

Q. Are you not aware that the democratic party in this parish was split last fall?—A. Yes, there was a bolt, or split, in the party.

Q. Are you not aware that the aforementioned Norbert Le Boeuf and commissioner aforesaid, was of that party bolters, and represented his wing of the party at a democratic meeting whereof Emanuel Sturlese was chairman last fall, or prior to election?—A. Yes; he was.

Q. Were those bolters democrats or republicans?—A. Some were and some were not democrats.

Crossed by Breaux:

Q. How long have you acted as secretary of the democratic club of this parish?—A. September 9, 1871.

Q. Since that time have you ever known Esau Chadwell, or Norbert Le Boeuf, or Caleb B. Jones to be identified with the democratic party of the parish?—A. Caleb B. Jones was registered as a democrat and Esau and Norbert Le Boeuf were registered themselves to support the nominations of the democratic club, in this parish.

Q. Answer, if you can, from your knowledge, if Mr. Chadwell and Mr. Le Boeuf have ever been publicly identified with the democratic party of this parish.—A. I don't know; their names are not on the roll.

In chief:

Q. Which wing of the democratic party elected their candidates last fall, those you call the regular democrats or those whom you call bolters?—A. The bolters did.

Crossed by Brown:

Q. How did the bolters elect their candidates?—A. By voting for them.

Q. If, from the best of your knowledge, did not the bolters affiliate with some other party to elect their candidates?—A. I think that the republican party affiliated with the bolting democrats, or that the bolting democrats affiliated with the republicans, for I don't think that the bolting party was the strongest, although it might have been.

J. G. STANSBURY.

Sworn to and subscribed before me, this 10th day May, 1875.

S. P. HENR

Parish Judge, Cameron Parish, Louisiana.

Deposition of L. F. Suthon, recalled.

L. F. SUTHON recalled:

Question. Who counted the votes at this precinct, poll No. 3, last election?—Answer. The commissioners, Norbert Le Boeuf, Caleb B. Jones, and Esau Chadwell.

Q. How long have you known Norbert Le Boeuf, about ?—A. Nearly two years.

Q. Have you ever known Norbert Le Boeuf to be other than an upright, true democrat ?—A. No, sir; I have not; I have been very intimate with him.

L. F. SUTHON.

Sworn to and subscribed before me, this 10th day May, 1875, at Leesburgh, Louisiana.

S. P. HENRY,
Parish Judge, Cameron Parish, Louisiana.

Note by clerk.

On the day fixed for the examination of the foregoing witnesses the probate court was in session, and in consequence the motion of the attorney, representing C. B. Darrell, to take up the examination, was overruled by the court, whereupon, on motion of attorney, representing Joseph A. Breaux, the examination was fixed for Saturday, the 8th day of May, 1875, and to be continued from day to day, by consent of counsel, until all would be examined.

J. E. STANSBURY, *Clerk.*

Certificate of clerk.

I hereby certify that the foregoing twenty-five pages contains all the testimony taken on behalf of Chester B. Darrall, before the Hon. Samuel P. Henry, parish judge in and for the parish of Cameron, State of La., on the 8th and 10th days of May, A. D. 1875.

[SEAL.]

ISAAC G. STANSBURY,
*Clerk Sixteenth Judicial District Court,
Cameron Parish, Louisiana.*

Affidavit of Valleir Davis.

STATE OF LOUISIANA,
Parish of Saint Martin :

Before me, the undersigned authority, personally came and appeared Mr. Ursin Valleir, a resident of the parish of Saint Martin, who being first duly sworn, declares and says, that he is entitled to register and vote in the said parish of Saint Martin; that he is a republican, and that he would have voted the republican thereto annexed, including member of the Forty-fourth Congress, had he not been prevented from voting by fear of personal violence and threats from armed bodies of men, known as the White Leaguers, or democrats, who have been patrolling this parish.

his
VALLEIR + DAVIS.
mark.

Sworn and subscribed before me, this 7th day of November, 1874.
ALCIDE VEAZEY, *Clerk.*

PARISH OF SAINT MARTIN.

For State treasurer.—Antoine Dubuclet.

For Congress, third district.—Chester Darrell.

Proposed amendments to Constitution.

First. Under act No. 4, session of 1874, relative to issue of consolidated bonds. First proposed amendment. For approval.

Second. Under act No. 4, session of 1874, reducing and limiting the State to fifteen million dollars and limiting taxation. Second proposed amendment. For approval.

Third. Under act No. 4, session of 1874, devoting the annual revenues of the State to the expenses of the same year. Third proposed amendment. For approval.

Fourth. Under act No. 22, session of 1874, for the amendment limiting the debt of the city of New Orleans.

Fifth. Under act No. 64, session of 1874, for the amendment to article 17, relative to the day of electing Representatives.

LEGISLATIVE TICKET.

For State senator.—T. T. Allain.

For House of Representatives.—Louis A. Martinet, Victor Rochon.

PARISH TICKET.

For parish judge.—Louis E. Laloire.

For sheriff.—O. Delahoussaye, jr.

For coroner.—Lemuel Thomas.

For justices of the peace.—First ward, G. Snider, A. Ambroise; Second ward, Joseph Bordier, Gustave Baker; Third ward, Edward Ford; Fifth ward, J. J. Kreider.

Constables.—First ward, Prosper Thancois, Auguste Mora; Second ward, Ernest Fontenette, Rob. Ray Dyer, jr.; Third ward, John Lavergne; Fifth ward, John Hurst.

Members of the police jury.—First ward, T. Daspit; Second ward, Edward Detiege; Third ward, Charles Condley; Fifth ward, Hippolate Lorins.

Certificate of secretary of state, No. 1.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing are true and correct copies of the affidavit made by Valleir Davis, before Alcide Veazey, clerk of the parish of Saint Martin, and the ticket of the republican party attached thereto on file and of record in this office.

Given under my hand and the seal of the State, this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Certificate of secretary of state, No. 2.

STATE OF LOUISIANA, OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the records of this office show that there are additional affidavits numbered consecutively from two (2) to fifty-eight (58) inclusive, construed in the same language and made by different parties, with only the republican State ticket attached thereto, on file in the said office.

Given under my hand and the seal of the State, this thirteenth day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Certificate of Aaron Roberts.

UNITED STATES OF AMERICA,
State of Louisiana, Parish of St. Martin :

Before me, the undersigned authority, personally came and appeared Aaron Roberts, who first being duly sworn, says: That on or about the 8th day of October, A. D. 1874, one Valerien Martin, known by affiant to belong to the White League organization, accosted him on the road near Philip Alick's residence, and then and there told him that he had better not register, for if he did so do, he, affiant, would have to leave that section of the country. Affiant is a citizen of the United States, not disqualified by any of the clauses contained in article ninety-nine of the constitution. He, affiant, is an influential man among his own class, the colored people, and states that in peaceful circumstances can control about one hundred colored votes which would be cast in the interests of the republican party, as well as his own vote.

Affiant knows many of his followers who have been intimidated to such an extent so as not to dare to exercise their rights of franchise.

^{his}
AARON + ROBERTS.
^{mark.}

Sworn to and subscribed before me, this day of , A. D. 1874.
GUSTAVE BAKER, J. P.

Attest to mark:

O. DELAHOUSSEY.

Certificate of secretary of state.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the original document on file in my office, bearing the signatures of Aaron Roberts, Gustave Baker, and O. Delahoussaye.

Given under my hand and the seal of the State, this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of Rafe Bowman.

STATE OF LOUISIANA,
Parish of St. Martin :

Before me, the undersigned authority, personally came and appeared Rafe Bowman, a resident of the 5th ward of the parish of St. Martin, who, first being duly sworn, doth depose and say : That, on the 21st of October, 1874, affiant called upon Mr. Louis E. Laloire, supervisor of registration for said parish, for his registration-papers, and upon the same being granted to him, he returned to the plantation upon which he had been working during the year 1874, for a share of the crop raised by him, affiant's house; and upon his arrival, he was approached by one Adolphe Patin, manager of said plantation, whom inquired from affiant if had taken his registration-papers, and upon his answering in the affirmative, the said Adolphe Patin, without cause or provocation on the part of affiant, and with the only aim of depriving him, affiant, of his right of suffrage, did then and there eject and drive him away.

Affiant is a citizen of the United States, and is not disqualified by any of the clauses set forth in article ninety-nine of the constitution. Should affiant be able to exercise his right of franchise without threat or hindrance, his vote would be cast in the interest of the republican party.

his
 RAFE + BOWMAN.
 mark.

Sworn to & subscribed before me this 21st day of October, A. D. 1874.

Attest to signature :

ERNEST DELAHOUSSEY.

Certificate of secretary of state.

STATE OF LOUISIANA,
 OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the original document on file in my office, bearing the signatures of Rafe Bowman and Ernest Delahoussaye.

Given under my hand and the seal of this State this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of Jerry Washington and five others.

STATE OF LOUISIANA,
Parish of St. Martin :

Before me, the undersigned authority, personally came and appeared Jerry Washington, Valentine Moss, Ernest Ledé, Samuel Thomas, Charles Neuven, Jeff. C. Vavassem, who, being first duly sworn, say : That on Monday, the second day of November, A. D. 1874, while an election was being held at poll No. 1, at St. Martinsville, for members of Congress, and State and parish officers, one Valsin A. Fournet did then and there, in presence of the whole people assembled at said polls, call upon the white people belonging to the White League association to get

their guns, and, by other threats from said Valsin A. Fournet, did prevent over one hundred republican voters to cast their votes at said election for the republican candidates.

Affiant further state that, according to said call of said V. A. Fournet, the white men belonging to said White League association did go to his, Fournet's, bidding, and were seen in the streets of St. Martinsville, their guns on their shoulders, thereby spreading demoralization and intimidation among the republican voters there assembled, and causing over one hundred of their number to abandon the poll, and repair to their homes for safety, without an opportunity to cast their votes in favor of the nominees of the republican party.

Sworn to & subscribed before me this 9th day of November, A. D. 1874.

GUSTAVE BAKER,
Justice of the Peace.

his
JERRY + WASHINGTON.
mark.

his
VALENTINE + MOSS.
mark.

his
ERNEST + LEDÉ.
mark.

SAMUEL THOMAS.
CHARLES NEUVEN.
JEFF. C. VAVASSEM.

Certificate of secretary of state.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the original document on file in my office, bearing the signatures of Gustave Baker, Jerry Washington, Valentine Moss, Ernest Ledé, Samuel Thomas, Charles Neuven, and Jeff. C. Vavassem.

Given under my hand and the seal of the State, this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of John Henry.

STATE OF LOUISIANA,
Parish of St. Martin:

Before me, the undersigned authority, personally came and appeared John Henry, a resident of the 5th ward of the parish of St. Martin, who, first being duly sworn, doth depose and say: That, on the 21st of October, A. D. 1874, affiant called upon Mr. Louis E. Laloire, supervisor of registration for said parish, for his registration-papers, and upon the same being granted to him, he returned to the plantation upon which he had been working during the year 1874, for a share of the crop raised by him, affiant, and upon his arrival he was approached by

one Eugene Durio, manager of said plantation, who inquired from affiant if he had taken his registration papers, and upon his answering in the affirmative, the said Durio, without cause or provocation on the part of affiant, and with the only aim of depriving him, affiant, of his right of suffrage, did, then and there, eject and drive him away. Affiant is a citizen of the United States, and is not disqualified by any of the clauses set forth in article ninety-nine of the constitution. Should affiant be able to exercise his right of franchise, without threat or hindrance, his vote would be cast in the interest of the republican party.

his
JOHN + HENRY.
mark.

Sworn to and subscribed before me this 21st day of October, A. D. 1874.

Certificate of secretary of state.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the original document on file in my office, bearing the signature of John Henry.

Given under my hand and the seal of the State, this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of Etienne Bazile.

STATE OF LOUISIANA,
Parish of St. Martin:

Before me, the undersigned authority, personally came and appeared Etienne Bazile, who, first being duly sworn, doth depose and say: That, on or about the 15th day of September, A. D. 1874, an armed band of men, namely: Cesaire Webre, Cesaire Breaux, Hippolite Breaux, Eugene Breaux, and Robert Webre, belonging to the organization styled the "White League," came to his affiant's house between the hours of eight and nine o'clock at night, and then and there did make threats to him, the said affiant, in case he attempted to register, and there ordered him positively not to do so, as it was forbidden, and the affiant therefore has cause to suspect that and does suspect that said threats of intimidation and orders for colored men not to register emanates from the White League organization. Affiant is a citizen of the United States, and is not disqualified by any of the causes set forth in article ninety-nine of the Constitution.

his
ETIENNE + BAZILE.
mark.

Sworn to and subscribed before me this 21st day of October, A. D. 1874.

GUSTAVE BAKER, J. P.

Attest to mark:

O. DELAHOUSSE.

Certificate of secretary of state.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the original document on file in my office, bearing the signatures of Etienne Bazile, Gustave Baker, and O. Delahoussaye.

Given under my hand and the seal of the State this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Affidavit of Aurelien King.

STATE OF LOUISIANA,
Parish of St. Martin :

Before me, the undersigned authority, personally came and appeared Aurelien King, of the State and parish aforesaid, who, first being duly sworn, doth depose and say: That, on Monday, the 19th day of October, A. D. 1874, one Valery M. Guilbeau, in whose employment affiant is, working for a share in the crop, accosted him, the said Aurelien King, and then and there told him that should he go to register, he, the said Valery M. Guilbeau, would immediately drive him away from the plantation. Affiant is a resident of the Fourth ward of the parish of St. Martin; resides in the vicinity of Breaux bridge; saw gangs of armed white men patrolling all the country around Breaux bridge; should he be able to freely exercise his right of suffrage his vote would be cast in the interest of the republican party. Affiant is a citizen of the United States, and is not disqualified by any of the clauses set forth in the article ninety-nine of the Constitution.

his
AURELIEN + KING.
mark.

Sworn to and subscribed before me this 19th day of October, 1874.

GUSTAVE BAKER,
Justice of the Peace.

Certificate of secretary of state.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the original document on file in my office, bearing the signatures of Aurelien King and Gustave Baker.

Given under my hand and the seal of the State this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

P. G. DESLONDE,
Secretary of State.

Affidavit of James Ball.

STATE OF LOUISIANA,
Parish of Saint Martin:

Before me, the undersigned authority, personally came and appeared Mr. James Ball, a resident of the parish of Saint Martin, who, being first duly sworn, declares and says: That he is entitled to register and vote in the said parish of Saint Martin; that he is a republican, and that he would have voted the republican ticket hereto annexed, including member of the Forty-fourth Congress, had he not been prevented from registering by fear of personal violence and threats from armed bodies of men known as the White Leaguers or democrats, who have been patrolling this parish.

his
 JAMES + BALL.
 mark.

Sworn and subscribed before me this 29th day of October, 1874.

GUSTAVE BAKER,
Justice of the Peace.

REPUBLICAN STATE TICKET.

PARISH OF SAINT MARTIN.

For State treasurer.—Antoine Dubuclet.

For Congress, third district.—Chester B. Darrall.

Proposed amendments to Constitution.

First. Under act No 4, session of 1874, relative to issue of consolidated bonds. First proposed amendment. For approval.

Second. Under act No. 4, session of 1874, reducing and limiting the State debt to fifteen million dollars, and limiting taxation. Second proposed amendment. For approval.

Third. Under act No. 4, session of 1874, devoting the annual revenues of the State to the expenses of the same year. Third proposed amendment. For approval.

Fourth. Under act No. 22, session of 1874, for the amendment limiting the debt of the city of New Orleans.

Fifth. Under act No. 64, session of 1874, for the amendment to article 17, relative to the day of electing representatives.

LEGISLATIVE TICKET.

For senator.—T. T. Allen.

For house of representatives.—Louis A. Martinet, Victor Rochon.

PARISH TICKET.

For parish judge.—Louis E. Laloire.

For sheriff.—O. Delahoussaye, jr.

For coroner.—Lemuel Thomas.

For justices of the peace.—First ward, G. Snider, A. Ambroise; Sec-
 H. Mis. 64—6

ond ward, Joseph Bordier, Gustave Baker ; Third ward, Edward Ford ; Fifth ward, J. J. Kreider.

Constables.—First ward, Prosper Francois, Auguste Mora ; Second ward, Earnest Fontenette, Rob Roy Dyer, jr. ; Third ward, John Lavergne ; Fifth ward, John Hurst.

Members of police jury.—First ward, T. Daspit ; Second ward, Edward Deluge ; Third ward, Charles Coudley ; Fifth ward, Hippolitte Lorins.

Certificate of secretary of state, No. 1.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing are true and correct copies of the affidavit made by James Ball, before Gustave Baker, justice of the peace, parish of Saint Martin, and the ticket of the republican party attached thereto, on file and of record in this office.

Given under my hand and the seal of the State, this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Certificate of secretary of state, No 2.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I herby certify that the records of this office show that there are additional affidavits, numbered consecutively from two (2) to two hundred and five, (205,) inclusive, construed in the same language as the foregoing, and made by different parties, with only the republican State ticket attached to each of the said affidavits on file in the said office.

Given under my hand and the seal of the State, this 13th day of November, A. D. 1875, and of the Independence of the United State the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 1, parish of Vermillion.

Statement of votes cast at poll No. 1, of election precinct No. 1, of the parish of Vermillion, for members of Congress, State and parish officers, at the general election held November 2nd, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * *	* * * * *
Joseph Breaux	{ For Congress, 3rd } district	87
Chester B. Darrall.....		.....

STATE OF LOUISIANA, *Parish of Vermillion :*

Personally appeared before me, the undersigned authority, James N. Dellon, S. S. Caldwell, M. M. Hartman, duly appointed and qualified commissioners of election of poll No. 1, election precinct of the parish of Vermillion, for the general election held November 2, 1874, who, being duly sworn, deposes and says: That they received the ballots cast at the said poll on the day above mentioned; that they have made a true and lawful count of said ballots, and that the foregoing is a true and correct statement of the votes cast at said poll on said day.

Sworn and subscribed to before me this 2nd day of November, A. D. 1874.

JAMES N. DILLON,
M. M. HARTMAN,
S. S. CALDWELL,
Commissioners of Election, Poll No. 1, Parish of Vermillion.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the statement of votes cast at poll No. 1, of election precinct No. 1, parish of Vermillion, for member of Congress for the third district of this State, at the general election held November 2, 1874, and of the affidavit attached thereto bearing the signatures of James N. Dillon, M. M. Hartman, and S. S. Caldwell, on file in this office.

Given under my hand and the seal of the State this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 1, parish of Vermillion.

Statement of votes cast at poll No. 1, of election precinct No. 3rd, of the parish of Vermillion, for members of Congress, State and parish officers, at the general election held November 2d, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * * * *	* *
J. E. Breaux	M'brs. Congress 3d district.....	272
C. B. Darrall	“ “ “	208

We, commissioners, do hereby swear under oath that the above is a correct statement of votes cast, two votes being refused and marked as such, as they were folded tickets.

F. B. PATTEN,
LEON BROUSSARD.
L. J. SMITH.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the statement of votes cast at poll No. 1, of election precinct No. 3, parish

of Vermillion, for member of Congress for the third district of this State, at the general election held November 2d, 1874, and of the affidavit attached thereto bearing the signatures of F. B. Patten, Leon Broussard, and L. J. Smith, on file in this office.

Given under my hand and the seal of the State, this 13th day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Statement of votes, poll No. 2, parish of Vermillion.

Statement of votes cast at poll No. 2, of election-precinct No. 6, of the parish of Vermillion, for members of Congress, State and parish officers, at the general election, held November 2d, 1874, in accordance with law.

Names of persons voted for.	For office of—	No. of votes.
* * * * *	* * *	* * * * *
Joseph A. Breaux.....	Congress.....	Twenty-two.
Chester B. Darrall.....	"	Seven.

We, the undersigned commissioners, hereby certify the foregoing to be a true and correct statement of the election held this 2nd day of November, A. D. 1874, at the polls No. 2, district No. 6, of the parish of Vermillion.

G. LAURENTS,
WM. LAURENTS,
E. DECHAMPS, JR.,
Commissioners.

Witness:

(Signed) F. CASTILLE.

STATE OF LOUISIANA,
OFFICE OF SECRETARY OF STATE,
New Orleans, November 13, 1875.

I hereby certify that the foregoing is a true and correct copy of the statement of votes cast at poll No. 2, of election-precinct No. 6, parish of Vermillion, for member of Congress for the third district of this State, at the general election held November 2, 1874, and of the affidavit attached thereto, bearing the signatures of G. Laurents, Wm. Laurents, and E. Dechamps, jr., on file in this office.

Given under my hand and the seal of the State, this thirteenth day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

Returns and reports of supervisors of registration of the parish of St. Martin.

STATE OF LOUISIANA,
Parish of St. Martin:

The undersigned, clerk of the district court in & for the parish of St. Martin, do hereby certify that the with' consolidated returns of the parish of St. Martin are correct.

In witness whereof I have hereunto set my hand & seal at St. Martinville, parish of St. Martin, this ninth day of November, A. D. 1874.

ALCIDE VEAZEY,
Clerk of Court.

Consolidated returns of the parish of St. Martin, general election, held on Monday, the second day of November, 1874.

CONGRESS—3D DIST.

	C. B. Darrall.	Jos. A. Breaux.
Poll No. 1, St. Martinville.....	455	424
“ “ 2, Breaux's Bridge.....	204	304
“ “ 3, Grand Point.....	46	192
Total	705	920

Scattered votes, Darrall, (1) one.

Parish of St. Martin, November 9th, 1874.

ALCIDE VEAZEY,
Supervisor of Registration, Parish of St. Martin.

STATE OF LOUISIANA,
Parish of Saint Martin :

To the honorable the Members of the Returning-Board of the State of Louisiana;

The undersigned, Alcide Veazey, supervisor of registration in and for the parish of Saint Martin, begs leave to annex to the consolidated returns of elections of the parish of Saint Martin, the following report, which he respectfully submits to the consideration of your honorable body :

On or about the 4th day of June, 1874, the democratic party of this parish, following the example of that of Saint Landry Parish, organized under the name of White League. Their avowed purpose and determination was to carry this parish at the next general election by intimidating the *the* white and colored republicans, who it is admitted outnumber the democrats at least 150 votes.

About two months before registration commenced, the democrats or White Leaguers formed themselves into about nineteen military companies, having each its captain or chief lieutenants, &c., were provided with guns, rifles, and small-arms, and assigned to duty in their respective wards.

Thus organized, the democrats or White Leaguers overran the parish, disarming the colored men, drilling their men in open day, and making such warlike demonstrations and displays as were best calculated to frighten and intimidate the colored republicans. They patrolled the whole parish, including the corporations of Saint Martinville and Breaux's Bridge, day and night, in armed companies, notifying colored men not to leave their houses at night, under penalty of being shot or hung.

A colored man by the name of Pierre Johnson was hung by the White Leaguers in the 1st ward below Saint Martinville, for effect. Five colored men were hung in this parish above Breaux's Bridge, on the dividing line between the parishes of Lafayette and Saint Martinville, and their bodies not allowed to be buried. Under such circumstances did the republican party of this parish attempt to organize, and to that effect

called a mass meeting, to be held at the court-house in Saint Martinville on the 13th day of June, 1874, and then and there appointed its parish executive committee, consisting of forty members, selected from all the wards of the parish.

The meeting being a public one, some White Leaguers were present, but no sooner were the members of the committee known, than all of said members residing in the 3d, 4th, and 5th wards were threatened, and finally ordered by the White Leaguers to either resign or leave the parish, under penalty of their lives. This accounts for the impossibility of the republican parish executive committee to meet with a quorum and organize. There was no organization of the republican party in this parish on that account, and I refer your honorable body to the republican State central executive committee to corroborate the truth of this assertion.

All, or most all, the republican leaders of the 3d, 4th, and 5th wards, in fear of their lives, fled from this parish and sought safety in the neighboring ones.

The White League of this parish, on receipt of the news that President Grant had refused to send United States troops to Vicksburg, and thereby confident that the General Government would not interfere or meddle with our local affairs, determined to push forward their work of intimidation and violence, and on the 17th day of August, 1874, to the number of about seven hundred men, armed with shot-guns, muskets, rifles, and side-arms, repaired to the town of Saint Martinville, and demanded of myself, as clerk of court, as well as of all other parish officials, our unconditional resignations, on behalf and on the part of the people then and there assembled, (all democrats or White Leaguers.) To which demand I and the other duly elected republican parish officials acceded, only on account of threats from said White Leaguers, then assembled, who told us that, should we refuse to resign, that the people then assembled had been drinking and were much excited, and that no one could tell what would become of us.

I, as clerk of court, as also the other parish officials, resigned on account of the above-mentioned threats, and of anonymous letters, and of advice given us by personal friends, and had finally to leave our parish and seek refuge in some safer place.

Under the above circumstances, (a reign of terror and intimidation,) registration began on the 31st day of August, 1874, under the supervision of Mr. Louis E. Laloire. On said opening day and the following the republicans had to make supernatural efforts to persuade colored republicans to come forward and register. In the First ward, at the court-house, where the registration-office was situated, none but White Leaguers registered, although the republicans have in that ward a majority of nearly 200 votes.

During the evening of the 14th of September, Mr. Louis E. Laloire, supervisor of registration, receiving the news that D. B. Penn was then acting governor of Louisiana, registration was closed, and all his official notices of registration interrupted, with a then registered republican majority of 35 votes, as per following figures:

Colored registered	380
White do	345

Republican majority..... 35

In the above majority are not included the registered whites who vote the republican ticket.

All official and legal notices of registration having been interrupted by the White League coup d'etat, Mr. L. E. Laloire, supervisor of registration, repaired to Breaux's Bridge, on the 9th, 10th, and 13th days of October, 1874, and then and there registered 362 voters, as follows:

Democrats, or White Leaguers.....	353
Colored democrats	3
Colored republicans.....	6
<hr/>	
Voters.....	362

On the 14th and 15th of October, 1874, he repaired to Laplace Post-office, at Mrs. Charles Lastrape's plantation, and then and there registered:

White Leaguers	96
Colored republicans.....	12
<hr/>	
	108

Mr. Laloire, supervisor of registration, being convinced that intimidation existed in the 3d, 4th, and 5th wards, (Breaux's Bridge and Lastrape's Plantation,) as but (18) out of (700) republicans had registered, returned to the above-named places, upon the arrival of the U. S. troops in this parish, and in the above three mentioned wards on the 19th, 20th, 21st, and 22d days of October, 1874, registered (285) voters, of whom there were:

Colored voters.....	275
White do residents of said wards.....	10
<hr/>	
	285

Reopened registration at Saint Martinville on the 23d day of October, 1874, and registered—

Colored republicans.....	129
Democrats or White Leaguers.....	10
<hr/>	
	139

which proves most conclusively that intimidation did exist.

I beg leave to further add that notwithstanding the presence of U. S. troops in this parish, colored republicans did not register on account of fear and intimidation, and on the same account abstained from voting, as will more fully appear from the annexed affidavits, numbered from 1 to 205 inclusively.

After the closing of registration, until the day, and even on the day of election, intimidation and terror never ceased to exist in this parish, and through threats and fear of the White Leaguers, (58) of the 224 registered republicans abstained from voting on the day of election, as will more fully appear from the annexed affidavits, numbered from (1) to (58) inclusively.

The following figures show that according to registration-books and election-returns there were but 1,890 registered voters, comprising:

Whites	955
Whites who voted.....	906
Whites who did not vote.....	49
Colored.....	935
Colored who voted.....	711
Colored who abstained.....	224

Thus it fully appears on the face of the registration-books and returns of election that (49) White Leaguers and (224) republicans abstained from voting, the latter for the reasons assigned in the above-mentioned affidavits.

I would furthermore state that the annexed affidavits prove more conclusively that 205 republicans who would have voted the republican ticket abstained from registering and did not vote on account of intimidation practiced and threats made by the White League of this parish; that 58 registered republicans would have voted the republican ticket had they not been prevented by the causes just above mentioned.

Total number of republican votes lost by the above-mentioned causes, 263.

Now, therefore, by virtue of section No. 26 of election-law No. 98, passed by the legislature of the State of Louisiana, and approved November 20, 1872, I, Alcide Veazey, as supervisor of registration in and for the parish of Saint Martin, believing that a fair, true, peaceable and full vote of all the qualified electors of this parish has not been obtained, do hereby request your honorable body, in consideration of the foregoing statement and the evidence and affidavits thereto attached, to set aside the election held in this parish on the 2d day of November, A. D. 1874, on account of fear, intimidation, corrupt and illegal influences used, as above set forth.

Yours respectfully,

ALCIDE VEAZEY,
Supervisor of Registration, Parish of Saint Martin.

Sworn to and subscribed before me this 9th day of November, 1874.

GUSTAVE BAKER,
Justice of the Peace.

The undersigned, commissioners of elections of the three voting-places designated by law in the parish of Saint Martin, being first duly sworn, declare and say that they corroborate all the facts and allegations contained in the foregoing report of intimidation, submitted to your honorable body by Mr. Alcide Veazey, supervisor of registration for the parish of Saint Martin. So help them God.

GUSTAVE BAKER,
Comm'r Poll No. 1, Saint Martinville.
P. MARTINET,
Comm'r Poll No. 1, Saint Martinville.
TAYLOR DASPIT,
Comm'r Poll No. 2, Breaux's Bridge.
JULES MARTINET,
Comm'r Poll No. 2, Breaux's Bridge.
THOS. ASHFORD,
Comm'r Poll No. 3, Grand Point.
ROB. RAY DYER, JR.,
Comm'r Poll No. 3, Grand Point.

Sworn to & subscribed before me this ninth day of November, A. D. 1874.

ALCIDE VEAZEY,
Clerk of Court, P'h St. Martin.

The undersigned, Louis E. Laloire, supervisor of registration from the 31st day of August until the 28th day of October, inclusively, does.

hereby corroborate all the foregoing statements made by Mr. Alcide Veazey, during the time he acted as supervisor of registration. So help him God.

LOUIS E. LALMI.

Sworn to and subscribed before me this 9th day of November, A. D. 1874.

GUSTAVE BAKER,
Justice of the Peace.

The undersigned citizens, duly qualified electors of the parish of Saint Martin, after a careful reading and thorough examination of the foregoing report of intimidation, made by Mr. Alcide Veazey, supervisor of registration, do hereby solemnly swear that the facts and allegations therein contained are true and correct to the best of their knowledge and belief. So help them God.

MONROE BAKER.
P. DELAHOUSSAY, SR.,
Tax-Collector.
CARTER BASSETT.

Sworn to and subscribed before me this ninth day of November, A. D. 1874.

GUSTAVE BAKER,
Justice of the Peace.

STATE OF LOUISIANA.

OFFICE OF SECRETARY OF STATE,
New Orleans, November 11th, 1875.

I hereby certify the foregoing to be a true and correct copy of the original consolidated returns of the parish of Saint Martin, of the general election held on Monday, the second day of November, 1874, for members of Congress for the third district of this State, and of the communication addressed to the members of the returning-officers, signed by Alcide Veazey, supervisor of registration, sworn to before Gustave Baker, justice of the peace, and the three affidavits signed respectively, 1st, by Gustave Baker, P. Martinet, Taylor Daspit, Jules Martinet, Thos. Ashford, and Robert Roy Dyer, jr., sworn to before Alcide Veazey, clerk of court; 2d by Louis E. Laloire, sworn to before Gustave Baker, justice of the peace; and, third, by Monroe Baker, O. Dalahoussaye, sr., and Carter Bassett, sworn to before Gustave Baker, justice of the peace, attached thereto, on file in my office.

Given under my hand and the seal of the State, this eleventh day of November, A. D. 1875, and of the Independence of the United States the one hundredth.

[SEAL.]

P. G. DESLONDE,
Secretary of State.

INDEX.

PAPERS OF CONTESTANT.

	Page.
Notice of contest.....	1
Acceptance of notice.....	5
Refusal to accept notice to take testimony.....	5
Answer to notice of contest.....	5
Notice to take evidence at Thibodeaux.....	8
Answer to the foregoing.....	9
Notice to take testimony in Iberia.....	9
Protest of attorney for Darrell.....	9
Notice to take testimony in Iberia.....	10
Protest of attorney of Darrell.....	10
Affidavit of William F. Schwing.....	10
Affidavit of L. O. Hacker.....	12
Statement of votes, poll No. 1, parish of Iberia.....	12
Statement of votes, poll No. 1, First ward election.....	13
precinct of Iberia Parish.....	15
Tally-sheet, poll No. 1, election precinct Iberia Parish.....	15
Tally-sheet, poll No. 1, election precinct Iberia Parish.....	16
Affidavit of J. B. Hebert, No. 1.....	17
J. B. Hebert, No. 2.....	19
J. B. Hebert, No. 3.....	20
G. Miller.....	22
John Wilgan.....	22
Osten Dainkenater.....	22
Joseph Maislain.....	22
William Patterson.....	23
Richard Smith.....	23
O. Landry.....	23
Horace West.....	23
John Valeon.....	24
Solomon Bonie.....	24
Joseph Wallace.....	24
Charles Starks.....	24
Yak Louis.....	25
Thomas Smith.....	25
G. Stiller.....	25
Certificate of John A. Cheevers.....	25
Affidavit of Allen Thomas.....	26
Certificate of secretary of state.....	27
Affidavit of Isaac G. Stansbury, No. 1.....	27
Isaac G. Stansbury, No. 2.....	28
R. R. Stewart.....	28
John T. Lindsey.....	29
Certificate of J. G. Stansbury, district clerk.....	30
Affidavit of Emanuel Sherman.....	30
L. Thielland.....	31
Joseph Thomas.....	32
Certificate of secretary of state.....	32
Affidavit of _____.....	33
Certificate of secretary of state.....	33
Affidavit of B. B. Daniels.....	33
Certificate of secretary of state.....	34
Affidavit of Charles Savoy.....	34
T. J. Beckham.....	35
Antoine Roy.....	35
J. C. Stewart.....	36
James P. Stewart.....	36
Herman Hoffman.....	37
William D. Talley.....	37
Pierre Alleman.....	37
Jean Valery Guidez.....	38
F. C. Jennings.....	38

	Page.
Affidavit of Abelard Bruno	39
Stanislas Zeringue.....	39
Hugh Stewart, jr.....	40
Simeon Bethencourt.....	40
P. O. Hardy.....	41
W. S. Rowe.....	41
Geoheon Tally.....	42
Alexandre Melancon.....	42
Michel Bruno.....	43
Certificate of secretary of state.....	43
Affidavit of Theodore Carlin and forty-one others.....	43
Henry Dramond and seventeen others.....	45
Certificate of secretary of state.....	46
Deposition of Alex. De Clonet.....	46
A. Fusilier.....	49
Charles Starr.....	50
Interrogatories to be answered.....	51
Affidavit of Pierre Jean Pierre.....	52
Certificate of secretary of state.....	52
Tally-sheet, poll No. 1, election precinct, Saint Mary's Parish.....	52
Tally-sheet, poll No. 2, election precinct, Saint Mary's Parish.....	53
Tally-sheet, poll No. 4, election precinct, Saint Mary's Parish.....	53
Tally-sheet, poll No. 5, ward No. 4, election precinct, Saint Mary's Parish.....	54
Tally-sheet, poll No. 6, election precinct, Saint Mary's Parish.....	54
Tally-sheet, poll No. 7, election precinct, Saint Mary's Parish.....	55
Tally-sheet, poll No. 8, election precinct, Saint Mary's Parish.....	56
Statement of votes, poll No. 1, of election precinct, Saint Mary's Parish.....	57
Statement of votes, poll No. 2, of election precinct, Saint Mary's Parish.....	58
Statement of votes, poll No. 3, of election precinct, Saint Mary's Parish.....	59
Statement of votes, poll No. 4, of election precinct, Saint Mary's Parish.....	60
Statement of votes, poll No. 5, of election precinct, Saint Mary's Parish.....	61
Statement of votes, poll No. 6, of election precinct, Saint Mary's Parish.....	62
Statement of votes, poll No. 7, of election precinct, Saint Mary's Parish.....	63
Statement of votes, poll No. 8, of election precinct, Saint Mary's Parish.....	64
Election returns of the parish of Saint Mary.....	65

PAPERS OF CONTESTEE.

Depositions taken in Cameron Parish.....	65
Deposition of Thomas Murphy.....	65
Esau Chadwell.....	66
L. F. Southon.....	68
S. P. Henry.....	69
J. G. Stansbury.....	71
L. F. Suthon, recalled.....	73
Note by clerk.....	74
Certificate of clerk.....	74
Affidavit of Vallier Davis.....	74
Certificate of secretary of state, No. 1.....	75
Certificate of secretary of state, No. 2.....	76
Affidavit of Aaron Roberts.....	76
Certificate of secretary of state.....	76
Affidavit of Rafe Bowman.....	77
Certificate of secretary of state.....	77
Affidavit of Jerry Washington and five others.....	77
Certificate of secretary of state.....	78
Affidavit of John Henry.....	78
Certificate of secretary of state.....	79
Affidavit of Stienne Bazile.....	79
Certificate of secretary of state.....	80
Affidavit of Aurelien King.....	80
Certificate of secretary of state.....	80
Affidavit of James Ball.....	81
Certificate of secretary of state, No. 1.....	82
Certificate of secretary of state, No. 2.....	82
Statement of votes at poll No. 1, of election precinct 1, Vermillion Parish.....	82
Poll No. 1, of election precinct 3, Vermillion Parish.....	83
Poll No. 2, of election precinct 6, Vermillion Parish.....	84
Returns and report of supervisors of registration of the parish of Saint Martin.....	85

ERECTION OF A MONUMENT AT POINT PLEASANT, W. VA.

JOINT RESOLUTION

OF

THE LEGISLATURE OF WEST VIRGINIA,

TO PROVIDE

For the erection of a monument to commemorate the battle of Point Pleasant, West Virginia, fought October 10, 1774.

JANUARY 31, 1876.—Referred to the Committee on Public Buildings and Grounds and ordered to be printed.

Whereas the battle of Point Pleasant, fought on the 10th day of October, 1774, was an event of deep and enduring interest, exhibiting in a remarkable degree the courage and patriotism of the early settlers of our country, and was followed by results of the highest importance to the peace and prosperity of the American people; and

Whereas it is proper that an event so distinguished in our history should be commemorated by a monument to be erected upon the spot where those gallant defenders sacrificed their lives, and where their sacred remains now lie buried; and

Whereas, in addition to a fair and reasonable contribution that may be expected from the Congress of the United States in aid of this national and patriotic object, there are considerations of an especial character which commend this work to the favorable patronage of Virginia, West Virginia, Ohio, and Kentucky: Therefore,

Resolved by the legislature of West Virginia, That a suitable monument should be erected, near the junction of the Kanawha and Ohio Rivers, to commemorate that important historic event, in partial execution of which object this State has already made an appropriation from her treasury.

Resolved, That the governor of this State be requested to communicate to the governors of the States of Virginia, Ohio, and Kentucky, these resolutions, that the same may be laid before their respective legislatures.

Resolved, That should the said States determine to co-operate with this State in erecting said monument, by making an appropriation in aid of the same, that the governor be, and is hereby, authorized and requested to appoint three commissioners to act in conjunction with a like number to be appointed by the States of Virginia, Ohio, and Kentucky, to carry into effect the object contemplated by these resolutions.

2 ERECTION OF A MONUMENT AT POINT PLEASANT, W. VA.

Resolved, That the Senators and Representatives of this State in Congress be, and they are hereby, requested to use their best endeavors to procure an appropriation from Congress for the erection of said monument.

Adopted December 6, 1875.

A copy.

Attest:

J. B. PEYTON,

Clerk of the House of Delegates and Keeper of the Rolls.

IMPROVEMENT OF ELK RIVER.

JOINT RESOLUTION

OF

THE LEGISLATURE OF WEST VIRGINIA,

ASKING

Aid for improvement of Elk River.

JANUARY 31, 1876.— Referred to the Committee on Commerce and ordered to be printed.

Whereas it has been recently shown that there exist on Elk River, a tributary of the Great Kanawha River, large deposits of iron-ore, easily obtained, and of superior quality, which have been and are now being manufactured in considerable quantities, by the enterprise of the people of that section; and

Whereas it has been known for years that the same region is not excelled in the quantity, quality, and variety of her coal-deposits, and exceptionally so in the vast quantities of timber, drained by said Elk River and its tributaries; and

Whereas the only obstacle that remains to be overcome is the transportation to market of their products, the removal of which would rapidly develop the wealth of the State, as well as that of a large number of the good people of that region; and

Whereas it has been shown by actual surveys and examinations that said Elk River is, by reason of its low grade of fall and the absence of rapids, susceptible of such improvement at a small cost comparatively with the results to be obtained: Therefore,

Be it resolved by the legislature of West Virginia, That our Representatives in Congress be requested, and our Senators be instructed, to ask for and procure, by all proper endeavors, the passage of such laws and the making of such appropriations by the Congress of the United States as will effect the judicious and profitable improvement of the navigation of such Elk River.

Adopted December 22, 1875.

A copy. Attest:

J. B. PEYTON,

Clerk of the House of Delegates and Keeper of the Rolls.

IMPROVEMENT OF THE OHIO RIVER AND ITS TRIBUTARIES.

JOINT RESOLUTION
OF THE
LEGISLATURE OF WEST VIRGINIA,
REQUESTING

The Senators and Representatives of that State to obtain an appropriation for the improvement of the River Ohio and its tributaries.

JANUARY 31, 1876.—Referred to the Committee on Commerce and ordered to be printed.

Whereas the Special Committee of the Senate of the United States on Transportation-Routes to the Seaboard has reported that "The improvement of the Ohio River in such manner as to secure six feet of water at all seasons from Pittsburgh to Cairo is believed by the committee to be one of the most important works for which Government can appropriate money," and also, "That even in its present condition it is one of the most important highways of commerce on this continent;" and

Whereas the engineers of the United States have perfected a plan by which this six feet of water at all seasons can be secured without obstructing free navigation when nature supplies sufficient water; and the Chief Engineer of the United States has asked Congress for an appropriation to begin this work: Therefore,

Resolved by the legislature of West Virginia, That our Senators are hereby instructed and our Representatives requested to use their best ability to obtain the appropriations asked by General Humphreys, Engineer in Chief of the United States, for the improvement of the Ohio and its tributaries.

Resolved, That a copy of this resolution be transmitted to each of our Representatives in Congress.

Adopted February 2, 1875.

A copy. Attest:

J. B. PEYTON,
Clerk of the House of Delegates and Keeper of the Rolls.



MODIFICATION OF REVENUE LAWS.

JOINT RESOLUTION

OF THE

LEGISLATURE OF THE STATE OF WEST VIRGINIA,

REQUESTING

The Senators and Representatives of that State to use their best exertions to procure a modification of the present revenue law of the United States, so as to enable the producer of tobacco to sell his product to any person, and in any quantity whatever.

JANUARY 31, 1876.—Referred to the Committee on Ways and Means and ordered to be printed.

Whereas the production of leaf-tobacco is an industry of importance to the State of West Virginia, the soil and climate of the State being favorable thereto; and whereas the special tax required by the revenue laws of the United States to be paid by the retail dealers in leaf-tobacco is of such amount as to render the law prohibitory in its effects in this branch of trade, and more especially as the United States courts have held that an occasional sale of the leaf-tobacco by the producer, without having paid the special tax thereon, is a violation of the revenue law: Therefore,

Resolved by the legislature of West Virginia, That we regard the law regulating the sale of leaf-tobacco as unjust, onerous, and oppressive to the people of our State, in suppressing an important branch of farming and productive industry.

Resolved, That our Senators be instructed and our Representatives in Congress requested to use every exertion to secure a modification of the present revenue law of the United States, so as to enable the producer of tobacco to sell his product to any person or in any quantity whatever, and that the secretary of state be instructed to forward an official copy of these resolutions to each of our Senators and Representatives in Congress.

Adopted December 2, 1875.

A copy. Attest:

J. B. PEYTON,
Clerk of the House of Delegates and Keeper of the Rolls.



DESTRUCTION OF GRASSHOPPERS.

JOINT RESOLUTION
OF
THE LEGISLATURE OF MINNESOTA,
ASKING

Congress to provide a bounty for the destruction of grasshoppers.

JANUARY 31, 1876.—Referred to the Committee on Agriculture and ordered to be printed

Whereas great and incalculable damage has been inflicted upon the most fertile regions of the West by the depredations of grasshoppers; and

Whereas this scourge, if not arrested, may extend in time to all parts of the Union, and thus produce disastrous results of national importance; Therefore,

Be it resolved by the legislature of the State of Minnesota, That our Senators and Representatives in Congress are requested to use their best efforts to secure, without delay, such legislation by Congress as will furnish a liberal bounty for the destruction of grasshoppers, especially for the destruction of their eggs, under such restrictions as may be necessary to prevent fraud.

Resolved, That the governor of this State be requested to forward copies of these resolutions to our Senators and Representatives in Congress.

W. R. KINYON,
Speaker of the House of Representatives.
J. B. WAKEFIELD,
President of the Senate.

Approved January 22, A. D. 1876.

J. S. PILLSBURY,
Governor.

STATE OF MINNESOTA,

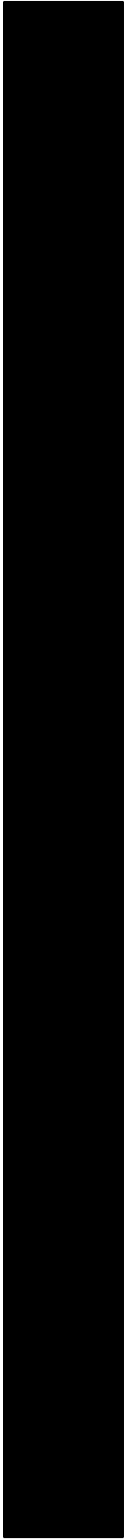
Office of the Secretary of State :

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this 27th day of January, A. D. 1876.

SEAL.]

J. S. IRGENS,
Secretary of State.



RED RIVER OF THE NORTH.

RESOLUTION

OF

THE LEGISLATURE OF MINNESOTA,

ASKING

Congress for an appropriation for the improvement of the Red River of the North.

JANUARY 31, 1876.—Referred to the Committee on Commerce and ordered to be printed.

Whereas the practicability of improving the navigation of the Red River of the North has been demonstrated by the surveys thereof, made under an act of Congress, by locks and dams, and removing rocks and overhanging trees; and

Whereas a vast and important carrying-trade and commerce now exists, and is carried on, on said river and its tributaries, between the people of the United States and of the British province of Manitoba, and between the State of Minnesota and the Territory of Dakota; and

Whereas the interests of commerce—international and inter-State—require that said river should be made available during the entire season of navigation, to connect with the railroad system of Minnesota and Dakota: Therefore,

Be it resolved by the legislature of the State of Minnesota, That the Senators and Representatives of this State in Congress be, and are hereby, requested to use their influence to secure, at the present session of Congress, such legislation as will provide for the improvement of the Red River of the North, at the places and in the manner indicated by the Government survey thereof.

Resolved further, That the secretary of state forward a copy of this resolution to each of our Senators and Representatives in Congress.

W. R. KINYON,

Speaker of the House of Representatives.

J. B. WAKEFIELD,

President of the Senate.

Approved January 22, A. D. 1876.

J. S. PILLSBURY,

Governor.

STATE OF MINNESOTA,

Office of Secretary of State :

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand, and the great seal of the State, this 27th day of January, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

○

EXTENSION OF TIME FOR COMPLETING THE NORTHERN
PACIFIC RAILROAD.

JOINT RESOLUTION

OF

THE LEGISLATURE OF MINNESOTA,

*Asking for an extension of time for the completion of the Northern Pacific
Railroad.*

JANUARY 31, 1876.—Referred to the Committee on Public Lands and ordered to be
printed.

Whereas it is the universal expression of the people of the Northwest that the completion of the Northern Pacific Railroad is a matter of vital necessity to the interests of this section of the country; and

Whereas its extension westward will carry the road into the heart of the rich mining and agricultural Territory of Montana, now only awaiting railroad communication to bring about rapid and substantial development; also opening the way for settlement of the rich agricultural lands of Washington Territory, and greatly aiding the General Government in the difficult transportation of Indian and Army supplies to that inaccessible region; and

Whereas the parties in interest having effected a speedy and economical adjustment of their financial difficulties, and from their own resources are making every effort to extend the road; and

Whereas the land-grant of the company will expire in 1877, and in view of the commendable disposition the company has shown to help itself in surmounting difficulties, considering the vast scope of the enterprise, the munificent aid already extended to the Union and Central Pacific Roads, the present company should have reasonable time to demonstrate its ability to push the enterprise to completion: Now, therefore,

Be it resolved by the legislature of the State of Minnesota, That the Congress of the United States be urged and requested to pass the measure now pending to renew and extend to the Northern Pacific Railroad Company the grant of land heretofore made to it by the act of Congress approved July 2, 1864, and the amendments thereto, to aid in the building of a railroad from Lake Superior to Puget Sound: Provided, however, That any act of Congress extending the time for the construction of said road should, in the judgment of this State, contain a provision requiring the said company to offer for sale its lands within a definite period of years, at a maximum price, to be fixed by Congress.

Resolved further, That the governor of this State be requested to for-

ward copies of these resolutions to our Senators and Representatives in Congress at as early a day as practicable.

W. R. KINYON,
Speaker of the House of Representatives.
J. B. WAKEFIELD,
President of the Senate.

Approved January 25, A. D. 1876.

J. S. PILLSBURY,
Governor.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE.

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand, and the great seal of the State, this 27th day of January, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

○

RELIEF OF SETTLERS ON THE LINE OF THE NORTHERN
PACIFIC RAILROAD.

JOINT RESOLUTION
OF
THE LEGISLATURE OF MINNESOTA,

ASKING FOR

*The protection by Congress of the rights of certain settlers on the Northern
Pacific Railroad.*

JANUARY 31, 1876.—Referred to the Committee on Public Lands and ordered to be
printed.

Whereas certain test suits are now pending in the United States
courts to determine the rights and interests of certain settlers on lands
within the limits of the Northern Pacific Railroad grant; and

Whereas the Commissioner of the Land Department has caused no-
tice to be served on said settlers that unless an additional \$1.25 per
acre is paid by said settlers, within sixty days from date of said notice,
their entries will be canceled, thereby jeopardizing the interests as well
as working a great hardship to said settlers: Now, therefore,

Be it resolved by the legislature of the State of Minnesota, That the
Senators and Representatives of this State in Congress be requested to
use their influence in securing legislation relieving said settlers from
such additional payment, or to delay the proceedings of the Land Depart-
ment until said suits shall have terminated.

Resolved further, That the governor be requested to forward copies
hereof to our Senators and Representatives in Congress at the earliest
practicable day.

W. R. KINYON,
Speaker of the House of Representatives.
J. B. WAKEFIELD,
President of the Senate.

Approved January 25, A. D. 1876.

J. S. PILLSBURY, *Governor.*

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE.

I certify the foregoing to be a true and correct copy of the original on
file in this office.

Witness my hand, and the great seal of the State, this 27th day of
January, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

○

REPEAL OF STAMP-TAX ON BANK-CHECKS.

RESOLUTION
OF
THE GENERAL ASSEMBLY OF IOWA,
RECOMMENDING

The repeal of stamp-tax on bank-checks.

JANUARY 31, 1876.—Referred to the Committee on Ways and Means and ordered to be printed.

Resolved by the house, the senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to secure, if possible, an amendment to the laws of Congress so that revenue-stamps shall not be required on bank-checks.

DEBT DUE VIRGINIA BY UNITED STATES ON ACCOUNT OF
ADVANCES IN WAR OF 1812.

JOINT RESOLUTION

OF

THE GENERAL ASSEMBLY OF VIRGINIA,

ASKING FOR

*A re-adjustment of the debt due Virginia by the United States for advances
made during the war of 1812.*

JANUARY 31, 1876.—Referred to the Committee on the Judiciary and ordered to be
printed.

Whereas the United States, in the adjustment of the claims of Virginia for advances made and sums lent during the war of eighteen hundred and twelve, proceeded upon a principle erroneous in law, which deprived this State of a large portion of the sum justly due to her: Therefore

Resolved, by the general assembly, That our Senators and Representatives in Congress be requested to urge the passage of a law providing for the speedy ascertainment and payment of the balance due the State.

Resolved, That the governor be requested to communicate a copy of these resolutions to each of the Senators and Representatives in Congress from Virginia.

A copy.

J. BELL BIGGER,
Clerk of the House of Delegates and Keeper of the Rolls of Virginia.

AID TO THE SOUTHERN PACIFIC RAILROAD.

RESOLUTION
OF
THE SENATE OF PENNSYLVANIA,
RECOMMENDING

That the Government of the United States grant aid for the completion of the Southern Pacific Railroad, with proper guaranties, &c.

JANUARY 31, 1876.—Referred to the Committee on the Pacific Railroad and ordered to be printed.

HARRISBURGH, *February 22, 1875.*

In the senate of Pennsylvania, the following preamble and resolution were read twice and adopted:

Whereas the severe depression caused by the panic of 1873 in all industrial pursuits continues unabated, and, as a consequence thereof, many thousands of laboring men in all parts of the country are without employment, and cannot be provided with work except by starting idle mills, mines, and manufactories, and reviving the general business of the country; and

Whereas any just and reasonable plan, whereby the laboring people of the country can be put to work, deserves and should receive the consideration and approval of Congress entirely independent of political questions; and

Whereas, in the judgment of this senate, the bill now before Congress providing for the completion of a great southern line to the Pacific, through the aid of a guaranty by Government of 5 per cent. interest on the first-mortgage bonds, to be issued by the companies to construct and equip the line, and without responsibility on its part for the principal of the bonds, contains proper and adequate provisions for securing the Government against any loss by reason of such guaranty; and

Whereas it is believed that with such guaranty the bonds can be sold and the means obtained to promptly complete the line, whereby large amounts of European capital could be brought into our country to provide for its prompt construction, that would give our laboring people work, start mines, mills, and furnaces, revive business in every branch, and lead to the general prosperity of the country: Therefore,

Be it resolved by the senate, That our Senators and Representatives in Congress be requested to favor the passage of the bill now before Congress in such shape as will secure the prompt completion of the road and protect the Government in its guaranty of the interests aforesaid.

Ordered, That the clerk transmit copies of the foregoing to our Senators and members of the House of Representatives in Congress.

A true extract from the journal.

RUSSELL ERRETT,
Clerk of Senate.

NEW TERRITORY IN DAKOTA.

MEMORIAL

OF

THE LEGISLATURE OF DAKOTA,

RELATIVE TO

*The organization of a new Territory out of the northern portion of
Dakota.*

FEBRUARY 7, 1876.—Referred to the Committee on the Territories and ordered to be
printed.

*To the honorable Senate and House of Representatives of the United States
in Congress assembled :*

Your memorialists, the legislative assembly of the Territory of Dakota, most respectfully represent that all that portion of Dakota Territory described as follows, to wit: beginning at a point commencing at the intersection of the forty-sixth parallel north latitude with the boundary-line between the State of Minnesota and the Territory of Dakota, and running due west on said parallel to the twenty-seventh degree of longitude west from Washington; thence north on said twenty-seventh degree of longitude to the parallel of forty-nine degrees north latitude; thence east on said parallel of forty-nine degrees of north latitude to the center of the Red River of the North; thence in a southerly direction along the western boundary of the State of Minnesota, to the place of beginning, would be greatly benefited by being detached from the southern and remaining portion of said Territory of Dakota, and erected by Congress into a new Territory, with a separate organization.

Your memorialists would further represent, in evidence of the necessity of this our petition, that while the proposed new Territory is remote from the main line of travel in Southern Dakota, and is separated therefrom by a broad extent of unoccupied and wild country, yet the Northern Pacific and the Saint Paul and Pacific Railroads will traverse the entire length of the proposed new Territory, giving it direct and easy communication with Minnesota and other States, by means of which several thousand people have already settled in the valley of the Red River of the North, and other portions of the proposed new Territory, in which are established towns at a distance of fifteen hundred miles by the nearest traveled route from the capital and courts of the Territory of Dakota.

Your memorialists would further represent that the interests of said

portions of territory are not in any way identical, and that no direct line of travel is now or will be for many years opened across the plains, connecting these two remote sections of Dakota, so long as the Pacific Railroad gives to the proposed new Territory such advantages of trade and travel with Minnesota, the lakes, and the East as are now possessed by that section of the Northwest.

Your memorialists would further represent that said portion of Dakota comprises an area of nearly fifty millions of square aeres, or about one-half of the present Territory of Dakota, and that the present ill-proportioned and extensive area of Dakota demonstrates that a division of the Territory by Congress is inevitable, and only a question of time, and sound policy would seem to dictate that all the guards of law and courts afforded by a separate territorial government should be extended to the already populous settlements of the proposed new Territory.

As in duty bound, your memorialists will ever pray.

Approved January 12, 1871.

NAVIGATION OF THE UPPER MISSISSIPPI.

RESOLUTION

OF

THE GENERAL ASSEMBLY OF IOWA,

IN REFERENCE TO

The improvement of the navigation of the Upper Mississippi River.

FEBRUARY 7, 1876.—Referred to the Committee on Commerce and ordered to be printed.

Whereas the Mississippi River and its tributaries afford to the people who dwell in their valleys the most available means to escape exacting and oppressive tariffs on the transportation of their products to the markets of the world; and

Whereas in order to make this great national highway answer the full measure of its usefulness in affording greater facilities and safer passage for vessels of larger tonnage, it is of the utmost importance that the work on the rapids of the Upper and Lower Mississippi should be speedily completed.

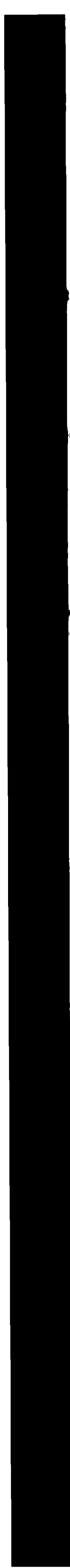
Be it therefore resolved, That our Senators in Congress be instructed and our Representatives be requested to advocate and vote for, in Congress, such measures as will most speedily and successfully accomplish this result.

Resolved, That the secretary of state be directed to forward copies of this preamble and resolution to the President of the Senate of the United States and the Speaker of the House of Representatives, with a request that they may be laid before each House of Congress, and that copies be sent to each Senator and Member of Congress from this State.

JNO. H. GEAR,
Speaker of the House.
J. G. NEWBOLD,
President of the Senate.

Approved January 28, 1876.

SAMUEL J. KIRKWOOD.



MODIFICATION OF LAWS RELATING TO THE APPRAISE-
MENT OF GOODS, MERCHANDISE, &c.

JOINT RESOLUTION
OF
THE LEGISLATURE OF MINNESOTA,
REQUESTING

The same modifications of the laws of the United States for Saint Paul and Duluth, as are now extended to other ports in various States.

FEBRUARY 7, 1876.—Referred to the Committee on Commerce and ordered to be printed.

Whereas the vexatious delays and expenses incident to the appraisal of foreign goods at the Atlantic ports of the United States, more especially at the port of New York, have prevented the proper development of the legitimate trade appertaining to the designated ports of entry and delivery of the State of Minnesota, which embargo has been obviated by statute enactment of the United States so far as the ports of Evansville, Ind., Milwaukee, Wis., &c., &c., are concerned: Therefore,

Be it resolved by the legislature of the State of Minnesota, That the Senators and Representatives in the Congress of the United States, from the State of Minnesota, be requested to urge a modification of the law of the United States, so that the privileges accorded to certain enumerated ports in the various States, by sections 2990, 2991, and 2997, Revised Statutes of the United States, be extended to the ports of Saint Paul and Duluth, in this State.

Resolved further, That the secretary of state be requested to forward a copy of these resolutions to each of our Senators and Representatives in Congress.

W. R. KINYON,
Speaker of the House of Representatives.
J. B. WAKEFIELD,
President of the Senate.

Approved January 25th, A. D. 1876.

J. S. PILLSBURY,
Governor.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE.

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand, and the great seal of the State, this 27th day of January, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

○

JAPANESE INDEMNITY FUND.

RESOLUTION

OF

THE CHAMBER OF COMMERCE OF THE STATE OF NEW YORK,

AND

Report of the committee on the Japanese indemnity fund.

FEBRUARY 7, 1876.—Referred to the Committee on Foreign Affairs and ordered to be printed.

At the meeting of the chamber of commerce, held February 3, 1876, the following preamble and resolution, relative to the Japanese indemnity fund, were unanimously adopted:

Whereas, in the years 1863-'64 an indemnity of \$750,000 was exacted by our National Government from the government of Japan for alleged damages and expenses arising out of the forcible obstruction of the straits of Shimonoseki by a rebellious vassal of that empire, which act was neither aided nor countenanced by the Japanese government, and for which it expressed the deepest regret; and,

Whereas the actual damages and expenses, amounting to less than \$50,000, have all been paid, and the balance still remains in the custody of the State Department, and amounts, with accumulated interest, to more than one and a quarter millions of dollars; and,

Whereas the progressive and liberal spirit manifested by the *bona fide* government of that nation toward the United States, and the steady progress in the education and enlightenment of her people, made under the difficulties of scanty resources and strenuous opposition on the part of a *portion* of her population, are worthy of a hearty commendation and reciprocation on our part; and, in the treatment of this matter, we not only have an opportunity to take action which will tend greatly to benefit our commercial relations with that country, but also to manifest, in a striking manner, our desire, as a nation, to deal justly with all other nations, whether strong or weak: Therefore,

Resolved, That we ask the present Congress of the United States to investigate the circumstances attending the exaction of this indemnity; and if the facts appear as herein stated, that a law be passed authorizing and directing the payment to the government of Japan of the balance which remains after paying the actual damages sustained by citizens of the United States in that affair.

A true copy:

SAM'L D. BABCOCK,
President.

GEORGE WILSON,
Secretary.

**REPORT OF A COMMITTEE OF THE CHAMBER OF COMMERCE. ON THE
JAPANESE INDEMNITY FUND. ADOPTED BY THE CHAMBER, FEBRUARY
3, 1876.**

To the Chamber of Commerce :

Your committee on foreign commerce and the revenue-laws, to which were referred, at the last meeting of the chamber, the resolutions in reference to the Japanese indemnity fund, beg leave to report :

That they have given the subject their full consideration, and find the following to be the essential facts bearing on the case :

1. Between the advent of Commodore Perry in Japan and the revolution in 1868, Japan was in a condition of great political excitement, chiefly caused by the contending factions who favored and opposed the cultivation of friendly relations with foreign nations. The government, with which the foreign treaties had been made, was sincerely desirous of fulfilling its treaty obligations, but many of the great princes of the Empire were bitterly hostile to this liberal policy. Among these was the powerful Prince of Chosiu, whose territories bordered the straits of Shimonoseki. In defiance of his government he erected batteries at the straits capable of controlling the passage of merchant-vessels, and sent a powerful force to Kioto to wrench the control of the imperial capital from the government.

2. In July, 1863, during this rebellion, an American vessel, the *Pembroke*, while passing through the straits was fired upon by the Prince's batteries, but was not injured. Immediately on learning of this insult to our flag, the American war-vessel *Wyoming* was dispatched to the straits, and executed ample and summary vengeance. Shortly after, French and Dutch vessels were, in a similar way, fired upon. The disturbed condition of the Empire prevented the government from sending to this distant province the necessary force to put an end to these outrages. They expressed their deep regret, and promised at their earliest opportunity to open the straits again to commerce. They also arranged in a definite manner for the damages sustained by the United States.

3. The representatives of the treaty-powers at last concluded to open the straits on their own responsibility, and for this purpose dispatched a squadron of the armed vessels of England, France, Holland, and the United States. Our contribution to this squadron was one small vessel, chartered for the occasion at an expense of \$9,500. The squadron executed its commission with thoroughness and dispatch. They utterly destroyed the batteries and vessels of the prince, and received his humble submission.

4. The ministers of the treaty-powers, immediately after the return of the expedition, presented a claim for damages and expenses resulting from these transactions; and, although the action of the prince had been disavowed by the government, and had been deplored and apologized for, the enormous sum of \$3,000,000 was demanded. The Japanese government, being powerless to resist, agreed to the hard terms, and has paid it. Our Government received the one-fourth part of this indemnity, to wit, \$750,000.

The damages sustained by our vessels and the expenses attending the expedition have all been paid, and, according to the report of the Secretary of State, amounted to about \$42,000. The surplus, as fast as it has been received, has been invested in bonds of the United States, and, with its accumulations of interest, now amounts to about a million and a half of dollars. It has been preserved as a distinct trust-fund waiting the action of Congress.

5. In 1872, when one-half of this fund was still unpaid, the House of Representatives unanimously passed a resolution to release the Japanese government from the payment of the unpaid moiety. This measure, from the press of business, was not reached in the Senate. It is understood that a measure has been introduced into the present Congress making a disposition of this fund for the benefit of Japan.

From these facts it appears that the outrages were not the willful acts of the government; that the indemnity, so far as the United States were concerned, was enormously in excess of our actual outlay, and that the surplus has been preserved as a separate trust-fund in the custody of the State Department.

As it is not the policy of this Government to exact money from other powers for our own emolument, and as the government and people of Japan have entered upon a remarkable career of national development, in which it is plainly the duty of the United States to afford them aid and encouragement, and as it is the interest of this country to cultivate intimate friendly and commercial relations with the Eastern nations:

Your committee are of the opinion that the restoration of this fund to Japan is called for, as well by our own sense of justice and magnanimity, as by that broad policy which seeks to extend our trade and commerce.

We therefore recommend the adoption of the preamble and resolution referred to the committee by the chamber; and that an engrossed copy, duly authenticated by the officers, be transmitted to both Houses of Congress.

JAS. W. ELWELL,
Chairman.

MAIL-ROUTE IN MINNESOTA.

JOINT RESOLUTION
OF THE
LEGISLATURE OF THE STATE OF MINNESOTA
ASKING

That a mail-route be established from Hastings, in the county of Dakota, to Cannon Falls, in the county of Goodhue.

FEBRUARY 7, 1876.—Referred to the Committee on the Post-Office and Post-Road and ordered to be printed.

Resolved by the legislature of the State of Minnesota :

SECTION 1. That our Representatives in Congress be requested to use their efforts to secure the establishment of a post-route, and to secure mail-service thereon, from Hastings, in Dakota County, Minnesota, to Cannon Falls, in Goodhue County, via Bellwood, and Douglass.

SEC. 2. That the Postmaster-General is requested to put service on said route as soon as established.

SEC. 3. That the governor of this State is requested to forward copies of these resolutions to our Representatives in Congress.

J. B. WAKEFIELD,
President of the Senate.

W. R. KINYON,
Speaker of the House of Representatives.

Approved January 27, A. D. 1876.

J. S. PILLSBURY.

STATE OF MINNESOTA,
OFFICE OF THE SECRETARY OF STATE.

I certify the foregoing to be a true and correct copy of the original on file in this office.

Witness my hand and the great seal of the State this — day of January, A. D. 1876.

[SEAL.]

J. S. IRGENS,
Secretary of State.

FENN vs. BENNETT.

PAPERS

IN THE CASE OF

S. S. FENN vs. T. W. BENNETT,

DELEGATE FROM THE TERRITORY OF IDAHO.

CONTESTANT'S PAPERS.

Notice of contest.

BOISE CITY, ADA COUNTY, IDAHO TERRITORY,
December 29, 1874.

SIR: You are hereby notified that I intend to contest your election as Delegate in Congress, from Idaho Territory, to the Forty-fourth Congress of the United States, upon the following grounds:

First. That the canvass made on the 30th day of November, A. D. 1874, by the secretary of said Territory, and the United States marshal for the district of Idaho, in your presence as governor of said Territory, of the votes cast at the election held on the Tuesday following the first Monday in November, A. D. 1874, being the 3d day of said month, as shown by the copies of the abstracts of the votes given in the several counties of said Territory, made out by the respective clerks of the boards of county commissioners of the said several counties in said Territory, and by them transmitted to and received by the secretary of said Territory, at Boise City, was illegally and fraudulently made, in this:

I. That the said officers above named, acting as a territorial board of canvassers, illegally and fraudulently refused, as such, to canvass or count for me 246 votes, returned in the copy of the abstract of the votes from Oneida County as cast for Hon. S. S. Fenn, and only counted 184 votes in said county as cast for me at said election, when in truth and in fact, according to such copy of such abstract so returned to said secretary as aforesaid, 430 votes were cast for me in said county at said election.

II. That said officers, so acting as aforesaid, illegally and fraudulently refused to canvass or count the returns from Nez Perces County, in said Territory, and refused to canvass or count for me 423 votes that were cast for me and canvassed in said Nez Perces County at said election, and which were duly returned by the clerk of the board of county commissioners of said county to the secretary of said Territory, and received by him before the canvass made by said territorial board.

III. That said officers, so acting as aforesaid, illegally and fraudu-

lently refused to canvass or count the returns of said election from Idaho County, in said Territory, and refused to canvass or count for me 163 votes that were cast for me at said election, and canvassed in said county, and which were duly returned by the clerk of the board of county commissioners of said county to the secretary of said Territory, and received by him before the canvass made by said territorial board.

IV. That said officers, so acting as aforesaid, illegally and fraudulently refused to canvass or count for me 102 votes that were cast for me at said election, and canvassed in the county of Lemhi, in said Territory, and which were duly returned by the clerk of the board of county commissioners of said Lemhi County to the secretary of said Territory, and received by him before the canvass made by said territorial board.

V. That said officers, so acting as aforesaid, illegally and fraudulently found and declared that you, Thomas W. Bennett, received the highest number of votes cast in said Territory at said election for Delegate to Congress, when in truth and in fact said officers, so acting, well knew, from the copies of abstracts so returned from the several counties as aforesaid, that I received 2,623 votes at said election for Delegate to Congress, and that you only received 2,578 votes, and that I received the highest number of votes cast at said election for Delegate to Congress.

VI. That it appears, and appeared at the time of said canvass by said territorial board, from the copies of abstracts so returned and transmitted to said secretary, and by him received from the several counties as aforesaid, that at said election I received for Delegate to Congress, in the county of Ada, 363 votes; in the county of Alturas, 82 votes; in the county of Boise, 518 votes; in the county of Idaho, 163 votes; in the county of Lemhi, 102 votes; in the county of Nez Perces, 423 votes; in the county of Oneida, 430 votes; in the county of Owyhee, 497 votes; in the county of Shoshone, 45 votes; making, in the aggregate, 2,623 votes in said Territory, and that you only received, in the county of Ada, 547 votes; in the county of Alturas, 200 votes; in the county of Boise, 362 votes; in the county of Idaho, 23 votes; in the county of Lemhi, 134 votes; in the county of Nez Perces, 87 votes; in the county of Oneida, 460 votes; in the county of Owyhee, 684 votes; in the county Shoshone, 19 votes; making, in the aggregate, 2,518 votes.

Second. That you, Thomas W. Bennett, and myself were the only candidates before the people of Idaho Territory at said election for Delegate to Congress, and the only persons voted for by the voters of said Territory for said office, and all votes cast for Delegate to Congress at said election were intended by the voters casting the same for either you or myself, and should have been so canvassed.

Third. That any and all votes cast or returned as cast at said election for Hon. S. S. Fenn, in Oneida County, in said Territory, for Delegate to Congress, were cast for me, and all persons so voting for Hon. S. S. Fenn intended to, and did actually vote for me; and said votes, so cast, should have been canvassed for me by said territorial board of canvassers.

Fourth. That a large number of illegal and fraudulent votes, aggregating 300, were cast, or returned, canvassed, and counted as cast for you for Delegate to Congress at said election, at the following-named precincts in said Oneida County, to wit: Ross Fork, Eagle Rock, Market Lake, Blackfoot, and Pleasant Valley precincts.

Fifth. That a large number of illegal and fraudulent votes, aggregating 73, were cast at said election for you, and returned, canvassed, and counted for you for Delegate to Congress, at South Mountain or Bullion

City, Silver City, Fairview, War Eagle, Cassia Creek, and Rock Creek precincts in Owyhee County.

Sixth. That a large number of illegal and fraudulent votes, aggregating 49, were cast for you at said election, and returned, canvassed, and counted for you for Delegate to Congress, at Quartzburgh, Granite Creek, Pioneer City, Placerville, and Idaho City precincts, in Boise County.

Seventh. That a large number of illegal and fraudulent votes, aggregating 57, were cast for you at said election, and returned, canvassed, and counted for you, for Delegate to Congress, at Boise City precinct, in Ada County.

Eighth. That 27 illegal and fraudulent votes were cast for you at said election, and returned, canvassed, and counted for you, for Delegate to Congress, at Rocky Bar and Red Warrior precincts, and on the overland stage-road, in Alturas County.

Niath. That a large number of legal votes cast for me at said election, at Malad and Marsh Valley precincts, in Oneida County, in said Territory, for Delegate to Congress, aggregating 100, were not counted or canvassed or returned by the board of canvassers of said county, but were by them illegally and fraudulently rejected and thrown out, and not included in the copy of the abstract of votes transmitted by the clerk of the board of commissioners of said Oneida County to the secretary of said Territory.

Tenth. That 11 legal votes cast for me at said election, at Slate Creek precinct, in Idaho County, for Delegate to Congress, were not counted or canvassed or returned by the board of canvassers of said county; but were by them illegally rejected and thrown out, and not included in the copy of abstract of votes transmitted by the clerk of the board of commissioners of said Idaho County to the secretary of said Territory.

Eleventh. That, aside from the returns or copies of abstracts of votes transmitted from the several counties of this Territory to the secretary of said Territory, I claim to have received, and actually did receive, of the total number of legal votes cast at said election for Delegate to Congress, in the county of Ada, 363 votes; in the county of Alturas, 82 votes; in the county of Boise, 518 votes; in the county of Idaho, 174 votes; in the county of Lemhi, 102 votes; in the county of Nez Perces, 423 votes; in the county of Oneida, 530 votes; in the county of Owyhee, 497 votes; in the county of Shoshone, 45 votes, making in the aggregate 2,734 legal votes for me in said Territory for Delegate to Congress; and you only received in said Territory, in the aggregate, 2,012 legal votes cast for Delegate to Congress.

Very respectfully,

S. S. FENN.

To THOMAS W. BENNETT.

I do hereby acknowledge service of notice of contest, of which the above and foregoing is a true and correct copy, this the 29th day of December, A. D. 1874, at Boise City, in Ada County, Idaho Territory, by delivery of said notice to me personally.

T. W. BENNETT.

TERRITORY OF IDAHO,

County of Ada, ss:

On this 11th day of January, A. D. 1875, before me, the undersigned, one of the associate justices of the supreme court of Idaho Territory,

personally appeared George Ainslie, who, being duly sworn, deposes and says that he served the above notice of contest on Hon. Thomas W. Bennett, on December 29, A. D. 1874, by delivering to him personally the original of said notice, of which the foregoing is a true and correct copy, in Boise City, Ada County, in said Territory; and further, that the foregoing acknowledgment of service of said notice was at the time therein stated signed by the said Thomas W. Bennett, and that his signature thereto is genuine.

GEO. AINSLIE.

Subscribed and sworn to before me this January 11, A. D. 1875.

M. E. HOLLESTER,
Associate Justice, Idaho Territory.

TERRITORY OF IDAHO,
County of Ada, ss:

I, A. L. Richardson, clerk of the supreme court of the Territory of Idaho, do hereby certify that the Hon. M. E. Hollester, by whom the foregoing attestation was made, and whose genuine signature is subscribed thereto, was, at the time of signing the same, and still is, an associate justice of the supreme court of Idaho Territory, to whose acts as such full faith and credit are due.

In witness whereof I have hereunto set my hand and the seal of said supreme court this 12th day of January, A. D. 1875.

[L. S.]

A. L. RICHARDSON,
Clerk Supreme Court Idaho Territory.

TERRITORY OF IDAHO,
County of Ada, ss:

This affiant, George Ainslie, being first duly sworn, on oath says that the above and foregoing is a true and correct copy of the notice of contest, acknowledgment or acceptance of service thereon, and the affidavit of service in the matter of the contest for a seat as Delegate to the Forty-fourth Congress from Idaho Territory, wherein S. S. Fenn is contestant and Thomas W. Bennett contestee.

GEO. AINSLIE.

Subscribed and sworn to before me January 21, A. D. 1875.

Witness my hand and seal of office, at Boise City, Idaho Territory, the date last above written.

[SEAL.]

A. L. RICHARDSON,
Clerk of Supreme Court, Idaho Territory.

Answer of contestee.

BOISE CITY, IDAHO TERRITORY,
January 11, 1875.

SIR: In the matter of your contest of my election as Delegate from the Territory of Idaho to the House of Representatives of the Forty-fourth Congress of the United States, I make answer to your notice of contest as follows, viz:

First. I deny each and every material allegation contained in your first ground of contest, and each and every material allegation contained in

each and every of the six several specifications thereunder, as mentioned in your notice of contest.

Second. I deny each and every material allegation contained in each and every of the second, third, fourth, fifth, sixth, seventh, eighth, ninth, and tenth grounds of contest, as mentioned in your notice of contest.

Third. I deny each and every material allegation contained in your eleventh ground of contest, as mentioned in your notice of contest, and I deny your legal right to go aside from the returns of elections held in the several counties of this Territory, as made to the secretary of the Territory, and as canvassed by said secretary and United States marshal for the district of Idaho, on the 30th day of November, A. D. 1874, for the purpose of attempting to prove any of the allegations made in any of the several grounds of contest, as mentioned in your notice of contest.

Fourth. And, for further answer in this behalf, I affirm that at the election held in the Territory of Idaho on the 3d day of November, A. D. 1874, for Delegate in Congress, I was duly elected to said office, according to law, as fully shown by the legal and proper returns made to the secretary of said Territory and canvassed and counted on the 30th day of November, A. D. 1874, by the said secretary and United States marshal for the district of Idaho, and by the report made by said officers, as a board of territorial canvassers, to the governor of said Territory, and by the certificate of election issued by said governor; and I affirm that said canvass, as made on the said 30th day of November, A. D. 1874, by the officers aforesaid, was in all respects legal and valid and in strict conformity with the statutes of said Territory of Idaho in such cases made and provided, and at that time in force.

Fifth. I affirm that in the county of Nez Perces, in said Territory, the votes given at said election for Delegate in Congress, if any votes were so given, were not opened and canvassed by the board of county commissioners of said county as required by law, but that the same were illegally and fraudulently opened and tampered with by divers unauthorized and improper persons, and the false, fraudulent, and illegal returns made by these unauthorized and improper persons, and forwarded by the clerk of the board of county commissioners of said county to the secretary of said Territory, were rightfully and legally rejected from the count of votes as canvassed and counted on the 30th day of November, A. D. 1874, by the officers aforesaid.

Sixth. I affirm that in the county of Idaho, in said Territory, the votes given at said election for Delegate in Congress, if any votes were so given, were not legally canvassed and counted by the board of commissioners of said county, and were not legally and properly transmitted to the secretary of said Territory, and the returns thereof were rightfully and legally rejected from the count of votes as canvassed and counted on said 30th day of November, A. D. 1874, by the officers aforesaid, said returns being illegal in this, to wit, that the votes for Delegate in Congress were not made out and transmitted to the secretary of said Territory in abstract, on separate sheet, as required by the laws of said Territory.

Seventh. And I affirm that at said election a large number of illegal and fraudulent votes were cast and counted for you for Delegate in Congress, to wit, 500 votes, at the following-named precincts: Quartzbury precinct, 19 votes; Granite Creek precinct, 11 votes; Placerville precinct, 9 votes; Idaho City precinct, 21 votes, all in the county of Boise; Bullion City precinct, 31 votes, Rock Creek precinct, 2 votes; War Eagle precinct, 9 votes; Fairview precinct, 11 votes, all in the county

of Owyhee: Franklin precinct, 24 votes; Oxford precinct, 30 votes; Paris precinct, 72 votes; Montpelier precinct, 88 votes, all in the county of Oneida.

Eighth. I affirm that at said election I received a large number of legal votes for Delegate in Congress, which votes were not canvassed, counted, and returned for me to the secretary of said Territory, to wit, 200 votes: in the county of Boise 60, in the county of Nez Percés 100, and in the county of Idaho 40 votes.

Ninth. I affirm that a large number of legal votes were at said election cast for me for Delegate in Congress, to wit, 300 votes, which votes were canvassed, counted, and returned for me to the secretary of said Territory, but were not canvassed and counted for me by the territorial board of canvassers on the said 30th day of November, A. D. 1874, viz, in the county of Lemhi 150 votes, in the county of Owyhee 200 votes, and in the county of Oneida 74 votes.

Wherefore I claim that I was duly and legally elected Delegate in Congress from the Territory of Idaho for the Forty-fourth Congress, and am legally entitled to a seat as such Delegate in said Congress.

Respectfully,

T. W. BENNETT.

S. S. FENN, Esq.

TERRITORY OF IDAHO,
County of Ada, ss:

This affiant, George Ainslee, being first duly sworn, on oath says that the above and foregoing is a true and correct copy of the answer of Thomas W. Bennett, served on S. S. Fenn in the matter of the contest by said S. S. Fenn of the right to a seat in the Forty-fourth Congress of the United States as Delegate from Idaho Territory.

GEO. AINSLEE.

Subscribed and sworn to before me January 21, A. D. 1875.

Witness my hand and official seal, at office in Boise City, Idaho Territory, the date last written.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court Idaho Territory.

Notice to take testimony at Boise City.

BOISE CITY, ADA COUNTY, IDAHO TERRITORY,
January 25, 1875.

SIR: You will please take notice that, on the 4th day of February, A. D. 1875, in Boise City, Ada County, Idaho Territory, before Hon. M. E. Hollister, associate justice of the supreme court of Idaho Territory, at his chambers in Boise City, Ada County, Idaho Territory, I propose to commence the examination of the witnesses whose names are given below. The examination of said witnesses, and others whose names may be furnished you within the time limited by law, will be continued from day to day, and over Sundays and non-judicial days, between the hours of 6 o'clock p. m. and 9 o'clock p. m. of each day, until the same shall be completed. The testimony thus taken is to be used in the contested-election case of Delegate to the Forty-fourth Congress from Idaho Territory, in which I am contestant and you are contestee.

S. S. FENN.

To T. W. BENNETT.

Witnesses to be examined in pursuance of the foregoing notice, E. J. Curtis and Joseph Pinkham.

TERRITORY OF IDAHO,
County of Ada, ss:

I. L. Tiner, being duly sworn, on oath says that he served the foregoing notice on Thomas W. Bennett, in Boise City, Idaho Territory, on January 30, 1875, by delivering a true and correct copy thereof to him personally.

I. L. TINER.

Subscribed and sworn to before me this 30th day of January, A. D. 1875.

Witness my hand and seal of office, at Boise City, Idaho Territory, this 30th day of January, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court Idaho Territory.

Depositions at Boise City.

Be it remembered that, pursuant to the notice of taking depositions by S. S. Fenn, hereunto annexed, commencing on the 4th day of February, A. D. 1875, at my chambers in Boise City, Ada County, Idaho Territory, before me, M. E. Hollister, chief-justice of the supreme court in and for the Territory of Idaho, personally appeared the witness whose name appears in the following deposition, produced on behalf of S. S. Fenn, in accordance with the annexed notice, and who, being by me first duly sworn, was then and there examined and interrogated by Francis E. Ensign, for and in behalf of said S. S. Fenn, and who testified as follows:

Deposition of E. J. Curtis.

E. J. CURTIS, being duly sworn, deposes and says:

Question 1. What is your name and where do you reside?—Answer. My name is E. J. Curtis. I reside in Boise City, I. T.

Q. 2. Are you the secretary of Idaho Territory; and, if so, how long have you held the office of secretary?—A. I am the secretary of Idaho Territory. I have been secretary since 1869.

Q. 3. Has the said Territory a board of canvassers to canvass the votes cast in the election of Delegate to Congress; and, if so, who composed the board to canvass the votes cast for Delegate to Congress at the general election held in said Territory on the 3d day of November last?—A. The Territory has a board of canvassers, comprising the secretary of the Territory and the United States marshal for the district of Idaho, who act as a board to canvass the votes for the election of Delegate to Congress from said Territory, in the presence of the governor of the Territory, and did so act on the 30th day of last November, in canvassing the vote for Delegate to the Forty-fourth Congress from the returns made from the respective counties in the Territory, before the said 30th day of November, 1874, of the general election held on the 3d day of November, 1874. The canvass above referred to was made by myself and Joseph Pinkham, United States marshal, in the presence of the governor of Idaho Territory, and was made at Boise City, I. T.

Q. 4. Please examine this paper, marked "Exhibit A," and tell us what it is.—A. It is a copy of the certificate of the canvass of the election-returns from the several counties for Delegate to Congress and dis-

strict attorneys, at the general election held on the 3d day of November, 1874, as made by the secretary of Idaho Territory and the United States marshal for the district of Idaho, in the presence of the governor of Idaho Territory, on the 30th day of November, 1874, and delivered to T. W. Bennett, the governor of said Territory.

Q. 5. How many organized counties were there in the Territory of Idaho on the 3d day of November last, the date of the general election, and what were their names?—A. To the best of my knowledge there were nine counties organized as such at the date of the last general election, to wit, the 3d day of November, A. D. 1874, and named as follows: Ada County, Alturas County, Boise County, Idaho County, Nez Perces County, Shoshone County, Oneida County, Owyhee County, and Lemhi County.

Q. 6. Were elections held in all of the counties above named at such general election?—A. I can only answer that question by stating that returns were received from all those counties purporting to be the election-returns of the general election held in the counties named above, on the 3d day of November, A. D. 1874, and which returns were received by me, as secretary, prior to the 30th day of November, A. D. 1874. I have no other knowledge, of an official character, of elections being held in said counties, except by the returns made to me as secretary.

Q. 7. Were the election-returns of which you have testified in your last answer, abstracts of the votes cast for Delegate to the Forty-fourth Congress and the various district and county officers of the said Territory at such general election, forwarded by the clerks of the board of county commissioners of the several organized counties of said Territory?—A. They so purport to be, except the returns from Lemhi, which did not include abstracts for county officers, but for Delegate to Congress and district attorney.

Q. 8. Please examine this paper, marked "Exhibit B," and tell us what it is.—A. This paper, marked "Exhibit B," to the best of my knowledge, is a correct copy of abstract of votes of Ada County, Idaho Territory, cast at the general election held in November last.

Q. 9. Were the votes for Delegate to Congress contained in said Exhibit B, counted by yourself and Mr. Joseph Prinkham, United States marshal, at the canvass of the votes for Delegate to Congress made on the 30th day of November, 1874, counted as therein set out?—A. As near as I can now identify them, they were.

Q. 10. Look at Exhibits C, D, E, F, G, H, I, and J, and tell what they are.—A. Exhibit C is a copy of the abstract of votes of Alturas County for Delegate to Congress, cast at the general election held November 3, 1874, as returned to the secretary's office prior to the 30th day of November, 1874.

Exhibit D is a copy of the abstract of votes from Boise County, cast at the general election in 1874, as returned to the secretary's office prior to the 30th day of November, 1874, for Delegate to Congress and county officers.

Adjourned until Friday, February 5, 1875, at 6 o'clock p. m.

FEBRUARY 5, 1875—6 o'clock p. m.

• Examination of E. J. CURTIS resumed :

Exhibit E is a copy of tally-sheet of votes polled in Idaho County on the 3d day of November, 1874, for county and district officers and Delegate to Congress, as returned to the secretary's office prior to the 30th day of November, 1874.

Exhibit F is a copy of abstract of votes cast in Lemhi County at the general election held on the 3d day of November, 1874, for Delegate to Congress and district attorney, as returned to the secretary's office prior to the 30th day of November, 1874.

Exhibit G is a copy of abstract of the votes cast for Delegate to Congress at the general election held in Nez Perces County, Idaho Territory, on the 3d day of November, 1874, as returned to the secretary's office prior to the 30th day of November, 1874.

Exhibit H is a copy of the abstract of votes cast at the general election held in Oneida County, Idaho, on the 3d day of November, 1874, for Delegate to Congress, as returned to the secretary of Idaho Territory prior to the 30th day of November, 1874, by the clerk of the board of county commissioners of said county.

Exhibit I is a copy of the abstract of votes cast for Delegate to Congress in the several precincts of Owyhee County, Idaho Territory, as returned to the secretary of Idaho Territory prior to the 30th day of November, 1874.

Exhibit J is a copy of the abstract of votes cast at the general election held on the 3d day of November, 1874, for Delegate to Congress, as returned to the secretary's office prior to the 30th day of November, 1874, by the clerk of the board of county commissioners of Shoshone County.

Exhibits B, C, D, E, F, G, H, I, J, were forwarded to the secretary's office by the clerks of the several boards of county commissioners of the counties above named.

Q. 11. Are Exhibits B, C, D, E, F, G, H, I, and J, correct copies of the abstracts of votes which you and Joseph Pinkham, United States marshal of the district of Idaho, as the territorial board of canvassers, canvassed on the 30th day of November, 1874, as certified to in Exhibit A?—A. I believe they are.

Q. 12. Were any portion of the votes for Delegate to Congress contained in said exhibits counted or rejected by you in said canvass; and if so, which were counted and which rejected?—A. The votes as returned from Idaho County, and marked Exhibit E, were not counted or canvassed by the board, for the reason that the same did not come authenticated and in manner and form as required by law. The returns from Lemhi County, marked Exhibit F, were not counted or canvassed by the board for the reason that they were not certified and returned in manner and form as required by law. The returns from Nez Perces County, marked Exhibit G, were not counted or canvassed by the board for the reason that they were not certified or returned in manner and form as required by law. All the votes contained in the other exhibits were counted by the board.

Q. 13. Please examine this paper, marked "Exhibit K," and tell us what it is.—A. This is a copy of election-returns from Idaho County, sent to me as secretary of Idaho, and taken out of the post-office by me on the 24th day of December, 1874. It purports to be an abstract of the votes cast for Delegate to Congress, in Idaho County, at the general election held on the 3d day of November, 1874.

Q. 14. Please examine this paper, marked "Exhibit L," and tell us what it is.—A. This is a copy of what purports to be an abstract of the votes cast for Delegate to Congress in Nez Perces County, on the 3d day of November, 1874, and taken out of the post-office by me on the 24th day of December, 1874. Exhibits K and L were directed to me as secretary of Idaho Territory, and purport to have been sent to me by the clerks of the boards of commissioners of Idaho and Nez Perces Counties.

Q. 15. Do not the election-returns from the different counties of the

Territory usually come to the office of the secretary of Idaho Territory through the United States mail?—A. They do.

(Exhibits A, B, C, D, E, F, G, H, I, J, K, and L, are here offered in evidence, and made a part of this deposition.)

Q. 16. Were the votes contained in Exhibits K and L counted or canvassed by the said board of territorial canvassers?—A. They were not; the board of canvassers opened the election-returns from all the counties in the Territory which came to the office of the secretary of the Territory, and marked "election-returns," on the 30th day of November, 1874, by the United States marshal, and myself as secretary, in the presence of the governor. The exhibits marked "K" and "L" came to Boise City, and were received by me as secretary. Twenty-five days after the board adjourned as a board of canvassers. Exhibit L, marked "received December 24," had no official designation on the envelope to determine what the paper was. The exhibit "L" was addressed to me as E. J. Curtis, secretary of Idaho.

E. J. CURTIS.

EXHIBIT A.

TERRITORY OF IDAHO,
Boise City, November 30, 1874.

We, the undersigned, secretary of the Territory of Idaho, and United States marshal for the district of Idaho, do hereby certify that on this 30th day of November, A. D. 1874, at the office of said secretary at Boise City, in the presence of the governor of said Territory, as provided by law, did open and canvass the returns of votes given in the several counties of said Territory, at the general election held on the 3d day of November, A. D. 1874, for Delegate to Congress, and for district attorneys; the said returns having all been received by said secretary at the seat of government of said Territory; and from said canvass we find the following result, viz, that for the Delegate to Congress, Thomas W. Bennett received votes as follows, viz: In the county of Ada, five hundred and forty-seven votes, (547;) in the county of Shoshone, nineteen votes, (19;) in the county of Alturas, two hundred votes, (200;) in the county of Owyhee, six hundred and eighty-six votes, (686;) in the county of Boise, three hundred and sixty-two votes, (362;) and in the county of Oneida, four hundred and sixty votes, (460;) and we further find that for Delegate to Congress, S. S. Fenn received votes as follows, viz: In the county of Ada, three hundred and sixty-three votes, (363;) in the county of Shoshone, forty-five votes, (45;) in the county of Alturas, eighty-two votes, (82;) in the county of Owyhee, four hundred and ninety-seven votes, (497;) in the county of Boise, five hundred and eighteen votes, (518;) and in the county of Oneida, one hundred and eighty-four votes, (184;) and we further find that for Delegate to Congress, Hon. S. S. Fenn received votes as follows, viz: In the county of Oneida, two hundred and forty-six votes, (246;) and we further find that in the county of Nez Perces the votes were not canvassed by the board of county commissioners of said county, as required by law, and are therefore not counted by us; and we further find that in the county of Idaho the returns were not made to the secretary of the Territory, for Delegate to Congress, by an abstract of votes on a separate sheet, as required by law, and are therefore not counted by us.

We further find that in the county of Lemhi there were cast votes for Delegate to Congress as follows, viz: For F. W. Bennett, one hun-

dred and thirty-four votes, (134,) and for S. S. Fenn, one hundred and two votes, (102,) and that the returns of said votes for Delegate are not made by abstracts nor upon separate sheets as required by law, and are therefore not counted by us. Wherefore we find that Thomas W. Bennett received the highest number of votes cast at such election for Delegate to Congress.

And we further find that for the office of district attorney in the district No. one, John Clark received votes as follows, viz: In the county of Shoshone, fifty-three votes, (53,) and that in the county of Nez Perces the votes for said office were not canvassed by the board of county commissioners of said county, according to law, and are therefore not counted by us; and that in the county of Idaho the votes cast were for district attorney in the district No. three, (3,) and were not returned to the secretary of the Territory of Idaho in an abstract on a separate sheet as required by law, and are therefore not counted by us. Wherefore we find that John Clark received the highest number of votes cast in said district No. one for district attorney.

We further find that for the office of district attorney for the second district, George Ainslie received votes as follows, viz: In the county of Boise, four hundred and sixty votes, (460;) in the county of Alturas, one hundred and thirty-two votes, (132;) and that for the same office Jonas W. Brown received votes as follows, viz: In the county of Boise, four hundred and thirty-one votes, (431;) in the county of Alturas, one hundred and forty-four, (144;) and we find that in the county of Lemhi the return of votes cast for district attorney was not in abstract, and not sent to the secretary of the Territory on a separate sheet as required by law, and therefore not counted by us. Wherefore we find that George Ainslie received the highest number of votes for the office of district attorney in the second district.

And we further find that for the third district F. E. Ensign received votes as follows, viz: In the county of Ada, six hundred and eleven votes, (611;) and John Gray, seven votes, (7;) and C. Barbour, fifteen votes, (15;) and William Kelley, one vote, (1;) and we further find that F. E. Ensign received in the county of Owyhee five hundred and eighty votes, (580;) in the county of Oneida, eight hundred and forty-two votes, (842.) Wherefore we find that F. E. Ensign received the highest number of votes cast for district attorney for the third district.

In witness whereof we have hereto set our hands this the day and year first above written.

E. J. CURTIS,
Secretary of the Territory of Idaho.
JOSEPH PINKHAM,
United States Marshal for District Idaho Territory.

[illegible]

TERRITORY OF IDAHO, *County of Ada, ss :*

I, N. M. Hanthorn, clerk of the board of county commissioners of said county, (Ada,) do hereby certify that the annexed is a full, true, and correct copy of each of the abstracts made up of the returns from the several precincts of the election held on the 3d day of November, 1874, in Ada County, Idaho Territory.

In witness whereof I have hereunto set my hand and affixed my official seal this 16th day of November, A. D. 1874.

[SEAL.] (Signed)

N: M. HANTHORN, *Clerk.*

EXHIBIT C.

Abstract of votes cast in Alluras County, Idaho Territory, on the 3d of November, 1874, for Delegate in Congress.

Name of candidates.	Atlanta precinct.	Cañon Creek precinct.	Cold Spring precinct.	Indian Creek precinct.	— precinct.	Pine Grove precinct.	Rocky Bar precinct.	Red Warner precinct.	Total votes.
T. W. Bennett.....	17	21	12	16	3	16	85	30	200
S. S. Fenn	15	7	5	11	9	4	25	6	72

TERRITORY OF IDAHO,
County of Alluras, ss :

I, Wm. Kelly, auditor and recorder, and ex-officio clerk of board of county commissioners, do hereby certify that the above is a true abstract of the vote for Delegate in Congress, as canvassed by the board of commissioners.

Witness my hand and official seal this 11th of November, 1874.

[SEAL.]

WM. KELLY,

Auditor and Recorder.

By R. M. MARSHALL,

Deputy.

[illegible]

EXHIBIT D.

To Hon. E. J. CURTIS,
Secretary of Idaho Territory.

TERRITORY OF IDAHO,
County of Boise:

Abstract of votes for Delegate to Congress of said Territory, given at the
several voting-precincts of said county on the 3d day of November, A. D.
1874, that being the first Tuesday after the first Monday of said month.

FOR DELEGATE TO CONGRESS.

Precincts.	T. W. Bennett.	S. S. Fenn.
Idaho City.....	89	189
Half-way House	13	13
Granite Creek.....	21	41
Upper Payette	18	20
Horseshoe Bend	23	19
Placerville	61	70
Quartzburgh.....	49	60
Squaw Creek	15	15
Boston	2	12
Pioneer City	26	55
Centerville.....	45	25
Total.....	362	518

FOR MEMBERS TERRITORIAL COUNCIL.

Precincts.	J. H. Hawley.	R. E. Foot.	J. M. Cannady.	C. S. Kingale.	R. H. Bobb.	Bailey Hayden.
Idaho City.....	125	137	196	163	141	80
Half-way House	5	8	12	19	17	10
Granite Creek	58	56	61	6	9	5
Upper Payette	26	25	29	19	17	10
Horseshoe Bend	22	19	24	24	20	20
Placerville	85	77	88	61	53	30
Quartzburgh.....	96	62	86	53	35	20
Squaw Creek.....	2	1	15	15	17	5
Boston	6	5	5	11	10	5
Pioneer City.....	48	43	66	32	24	20
Centerville	25	22	41	47	47	40
Total.....	460	455	623	450	399	270

FOR MEMBERS HOUSE REPRESENTATIVES.

Precincts.	R. A. Stevenson.	C. W. Stewart	Carl R. White.	J. J. Apperson.	J. W. White.	William West.	M. G. Luby.	M. Kiemas.	G. B. Baldwin	Josiah Cave.	F. G. Beriver	W. S. Mitchell.	H. C. Thompson.	J. R. Clark.	Fred. Campbell.	J. Richson.
Idaho City	194	139	134	116	149	133	145	125	162	153	133	136	137	140	109	123
Half-way House	7	7	6	5	7	4	8	8	14	19	18	18	20	16	20	18
Granite House	44	56	56	57	44	45	48	57	9	8	5	10	12	10	25	33
Upper Payette	19	18	19	19	17	20	19	16	23	24	24	24	24	21	25	23
Horseshoe Bend	23	20	26	20	20	22	20	17	26	27	24	27	27	27	32	21
Placerville	56	75	66	65	65	69	63	61	64	61	60	61	57	57	107	69
Quartzburgh	77	76	73	64	74	69	72	78	50	43	48	49	47	38	67	49
Squaw Creek	0	2	2	0	2	1	2	2	14	16	16	18	16	18	18	14
Boston	3	5	4	6	5	4	5	5	11	10	10	12	11	9	11	10
Pioneer City	51	44	44	44	45	45	43	44	32	36	34	34	36	38	37	35
Centerville	27	40	26	21	22	23	23	23	42	44	43	44	43	38	46	32
Total	501	482	456	411	450	438	447	433	454	441	415	426	428	408	497	426

FOR DISTRICT ATTORNEY SECOND JUDICIAL DISTRICT.

Precinct	George Ainslie.	Jones W. Brown.
Idaho City	124	157
Half-way House	6	19
Granite Creek	57	8
Upper Payette	22	15
Horseshoe Bend	20	26
Placerville	79	52
Quartzburgh	72	50
Squaw Creek	2	16
Boston	5	10
Pioneer City	49	32
Centerville	25	43
Total	460	431

FOR COUNTY OFFICERS.

Precinct	Sheriff	Auditor and recorder	Treasurer	Assessor.	Probate judge.	Coroner.	Superintendent school						
	Samuel Stewart.	John Kennally	Geo. W. Richards.	James Morhally	J. E. Rowe.	John Brodbeck.	John Gorman.	Alex. Orchard.	J. R. Pile.	M. R. Moore.	H. Zopf.	Henry McGinnens.	T. J. Kuttan
Idaho City.....	169	113	155	125	162	123	154	130	106	73	154	124	1
Half-way House.....	6	19	18	7	7	18	7	18	6	18	19	5	
Granite Creek.....	44	23	5	66	48	17	51	15	47	19	16	56	
Upper Payette.....	21	23	20	23	16	26	21	21	15	22	23	20	
Horseshoe Bend.....	21	27	24	23	21	23	16	31	18	31	28	20	
Placerville.....	65	73	50	26	66	70	50	56	50	84	65	67	
Quartzburgh.....	78	43	40	26	62	60	66	53	60	59	54	20	
Squaw Creek.....	7	10	15	2	3	14	3	14	7	17	15	1	
Boston.....	7	7	11	4	5	10	4	11	6	9	10	4	
Pioneer City.....	40	42	41	41	38	44	43	39	45	36	32	47	
Centreville.....	31	37	44	24	17	52	41	22	16	51	43	27	
Total.....	487	415	428	475	445	460	456	446	369	527	433	463	4

FOR COUNTY COMMISSIONERS.

Precinct.	District No. 1		District No. 2		District No. 3	
	Frank Cooper.	W. W. Black.	G. W. Stafford.	E. J. Hull.	R. G. Allen.	James Murray.
Idaho City.....	132	151	134	139	138	13
Half-way House.....	7	19	7	17	6	1
Granite Creek.....	56	10	55	10	56	1
Upper Payette.....	23	24	19	19	25	1
Horseshoe Bend.....	20	28	20	26	21	2
Placerville.....	75	57	64	54	73	6
Quartzburgh.....	71	50	71	42	93	3
Squaw Creek.....	2	15	1	16	2	1
Boston.....		10	6	9	5	1
Pioneer City.....	46	35	49	29	44	3
Centreville.....	29	43	25	44	25	4
Total.....	461	441	455	413	492	40

FOR COUNTY COMMISSIONERS, DISTRICT NO. 1.

Precinct.	Frank Cooper.	W. W. Black.
Idaho City.....	132	151
Half-way House.....	7	19
Total.....	139	170

FOR COUNTY COMMISSIONERS, DISTRICT NO. 2.

Precinct.	Geo. W. Stafford.	E. J. Hull.
Boston.....	6	9
Pioneer City.....	49	29
Centreville.....	25	44
Total.....	80	82

FOR COUNTY COMMISSIONERS, DISTRICT NO. 3.

Precinct.	R. G. Allen.	James J. Murray.
Granite Creek.....	56	10
Upper Payette.....	25	19
Horseshoe Bend.....	21	27
Placerville.....	73	68
Quartzburgh.....	93	30
Squaw Creek.....	2	15
Total.....	270	168

For precinct officers.

IDAHO CITY.

For justice of the peace.—D. B. Kinnel, 137 votes; Heman Jones, 1 vote.

For constable.—H. Wilhelm, 140 votes; Joseph Yane, 78 votes.

HALF-WAY HOUSE.

For justice of the peace.—A. P. Turner, 3 votes; ——— Snyder, 1 vote.

For constable.—E. Kelley, 2 votes; Jos. Yane, 1 vote.

. GRANITE CREEK.

For justice of the peace.—Martin Comaughto, 11 votes.

UPPER PAYETTE.

For justice of the peace.—M. Canegar, 5 votes; H. Carter, 7 vote

HORSESHOE BEND.

For justice of the peace.—E. E. Flenning, 13 votes; E. H. Angle, 12 votes.

For constable.—Thos. Rowland, 10 votes; A. Hayes, 2 votes; H. H. Clark, 5 votes.

PLACERVILLE.

For justice of the peace.—James Egan, 60 votes.

For constable.—R. Irwin, 14 votes; J. Breed, 2 votes.

QUARTZBURGH.

For justice of the peace.—James Carr, 68 votes; H. Bennet, 1 vote.

For constable.—W. H. McGee, 45 votes.

SQUAW CREEK.

For justice of the peace.—Thos. Peterson, 14 votes.

For constable.—J. H. Ireton, 10 votes; Ed. Marsh, 3 votes; Saml. Ireton, 1 vote.

PIONEER CITY.

For justice of the peace.—Saml. Connelly, 32 votes.

For constable.—Jerry Meruane, 17 votes; M. Garett, 4 votes.

CENTREVILLE.

For justice of the peace.—P. J. Moore, 15 votes; W. S. Gregory, 2 votes.

For constable.—Jerome Beardsly, 15 votes; Tom Loring, 3 votes.

TERRITORY OF IDAHO,

County of Boise, ss :

I, Geo. W. Richards, recorder and *ex officio* clerk of the board of county commissioners of Boise County, do hereby certify that the foregoing is a full, true, and correct copy of the abstract of the votes polled at the several precincts in Boise County, at a general election held on the 3d day of November, A. D. 1874, it being the first Tuesday after the first Monday of said month, as canvassed by the board of county commissioners of said county, and now of record in my office.

In witness whereof I have hereunto set my hand and official seal this 17th day of November, A. D. 1874.

[SEAL.]

GEO. W. RICHARDS,
Recorder and *ex-officio* Clerk,
Board County Commissioners.

EXHIBIT E.

Tally-sheet of votes polled in ——— precinct, ——— County, Idaho Territory, at the general election held on Tuesday, the 3d day of November A. D. 1874.

Officers.	Names of persons.	Warren's pre- cinct.	Rains pre- cinct.	Florence pre- cinct.	John Day's pre- cinct.	Blaine Creek pre- cinct.	White Bird pre- cinct.	Elk Creek pre- cinct.	Total.
Delegate to Congress	S. S. Penn	85	7	38	11	Vote of this precinct furnished by ballot box on file for informality.	22	4	
	T. W. Bennett ..	4	9	9	6		24	1	
Members of legislative council ..	S. P. C. Howard ..	83	7	20	2		28	2	
	Alex. McDonald ..	7	0	16	3		6	3	
Members of house of representa- tives.	Phil. Henry	59	8	17	12		21	2	
	G. M. Shearer ..	35	4	16	3		3	5	
	Thos. Clark	16	0	18	5		2	1	
	W. H. Rhett	7	0	15	13		29	0	
	Fred Klippel	57	2	2	0		2	2	
District attorney, District No. 3..	John Clark	34	2	22	12		27	5	
Probate judge	Peter Grogan	75	7	25	13		24	4	
	C. A. Sears	12	0	11	4		7	1	
Sheriff	C. W. Case	71	5	25	5		27	4	
	G. W. Dyer	18	2	10	12		2	1	
Auditor and recorder	B. F. Morris	85	5	18	4		13	4	
	Geo. Bannard	3	2	15	13		17	1	
County treasurer	Geo. Church	60	7	22	8		26	1	
	N. B. Wiley	29	0	14	5		3	4	
County assessor	T. J. Rhoads	24	2	24	3		22	4	
	J. M. Archibald ..	65	5	12	8		8	1	
County commissioners	A. Freidenreich ..	84	7	16	6		24	4	
	S. W. Carpenter ..	61	7	25	16		30	1	
	J. Draper	5	4	17	4		7	0	
	John Wood	23	0	17	14		22	5	
	Geo. Woodward ..	75	2	18	8		6	5	
Superintendent public instruction	J. J. Manuel	47	1	22	7		23	1	
	J. H. Elfers	40	6	14	10		6	4	
Road superintendents	Sanderson	41	5	.....	.....		.....	.....
	McHale	45	0	.....	.....		.....	.....
	H. Mason .....	.....	.....	.....	.....		25	.....
Justices of the peace.	J. B. Chamberlain ..	.....	.....	33	.....		.....	34	
	F. A. Shearer .....	.....	.....	.....	.....		.....	.....
	Wm. Osborn .....	.....	.....	.....	.....		10	.....
	Jas. Baker .....	.....	.....	.....	.....		3	.....
	C. Snieder .....	.....	.....	.....	.....		1	.....
	G. Popham .....	.....	.....	.....	.....		3	.....
Constables	L. Ott .....	.....	.....	.....	.....		5	.....
	J. Donney .....	.....	.....	.....	.....		2	.....
	J. Richards .....	.....	.....	.....	.....		2	.....
Road superintendents	W. J. Rainey .....	.....	.....	17	.....		.....	3	
	R. Nugent .....	.....	.....	10	.....		.....	.....
	John Clark .....	.....	.....	7	.....		.....	.....

TERRITORY OF IDAHO,

County of Idaho, ss :

I hereby certify that the foregoing is a full, true, and correct copy of the votes cast and counted by the board of county commissioners of Idaho County, this November 7, 1874.

In witness whereof I have hereunto set my hand and affixed the county commissioner's seal.

Done at Washington, Idaho County, I. T., November 7, 1874.

B. F. MORRIS,

Clerk Board County Commissioners, Idaho County, I. T.

Poll-book of election.

TERRITORY OF IDAHO,

County of Idaho, ss :

At an election held in the election-precinct in the county of Idaho and Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit :

VOTES FOR DELEGATE TO CONGRESS.

S. S. Fenn	16
T. W. Bennett	2

VOTES FOR COUNCILMAN.

S. P. C. Howard	14
Alexander McDonald	4

VOTES FOR HOUSE OF REPRESENTATIVES.

Phil. Cleary	11
G. W. Shearer	6
Fred. Klippel	6
Thos. Clark	4
Wm. H. Rhett	6

VOTES FOR DISTICT ATTORNEY, DISTRICT NO. 3.

John Clark	10
------------------	----

VOTES FOR PROBATE JUDGE.

Peter Crogan	14
C. A. Sears	3

VOTES FOR SHERIFF.

C. W. Case	13
G. W. Dyer	4

VOTES FOR AUDITOR AND RECORDER.

B. F. Morris	13
Geo. Bannard	5

VOTES FOR COUNTY TREASURER.

George Church	12
N. B. Willey	6

VOTES FOR COUNTY ASSESSOR.

T. J. Rhoades	8
J. M. Anchinvole	9

VOTES FOR COUNTY COMMISSIONERS.

A. Freidenreich	14
S. W. Carpenter	14
George Woodward	11
John Wood	8
John Draper	3

VOTES FOR SUPERINTENDENT PUBLIC INSTRUCTION.

J. J. Manuel	10
J. H. Elfers	8

There were three (3) votes cast for Beherett at Slate Creek, and eleven (11) for Fenn thrown out.

TERRITORY OF IDAHO,
County of Idaho, ss :

I hereby certify that the above is a true statement of the number of legal votes cast in Idaho County for the above-named officers or persons.

SEAL OF COUNTY

COMMISSIONERS

OF IDAHO COUN-

TY, I. T.

In witness whereof I have hereunto set my hand and affixed the county commissioner's seal of Idaho County, I. T.

B. F. MORRIS,
Clerk of Board of County Commissioners of Idaho County, I. T.

EXHIBIT F.

SALMON CITY, LEMHI COUNTY, IDAHO TERRITORY,
November 14, 1874.

I, John Hogan, auditor and recorder and clerk of the board of county commissioners, do hereby certify that at election held in Lemhi County, Idaho Territory, on the 3d day of November, A. D. 1874, for territorial and county officers—

For Delegate to Congress, F. W. Bennett received 134 votes; S. S. Fenne received 102 votes.

For district attorney, George Ainslee received 121 votes; J. W. Brown received 125 votes.

[SEAL.]

JOHN HOGAN,
Auditor and Recorder and Clerk of the Board of County Commissioners in and for Lemhi County, Idaho Territory.

EXHIBIT G.

The following is an abstract of the votes cast for Delegate to Congress at the general election held in Nez Perce County, Idaho Territory, on the 3d. day of November, A. D. 1874.

Precincts.	Delegate to Congress.	
	F. W. Bennett.	S. S. Fenn.
Lewiston	66	123
Lake Waha	3	8
Cottonwood	2	12
Mt. Idaho	1	111
Jackson's Bridge	2	19
Newsom Creek .....	.....	11
Clearwater Station	1	11
Elk City	4	27
Paradise Valley	1	45
Genesee	1	14
Palouse Bridge	2	10
Camas Creek	1	18
Pine Creek	3	14
	87	423

TERRITORY OF IDAHO,
County of Nez Perce, ss :

We, the undersigned, board of canvassers of Nez Perce County, Idaho Territory, do hereby certify the foregoing to be a true abstract of the votes cast for Delegate to Congress, at the general election held therein on the 3d day of November, A. D. 1874.

H. O. ADAMS, *Probate Judge.*
J. B. MENOMY, *County Commissioner.*
W. P. HUNT,
Clerk of Board of County Commissioners.

Dated this 7th day of November, A. D. 1874.

TERRITORY OF IDAHO,
County of Nez Perce, ss :

I, W. P. Hunt, clerk of the board of county commissioners of Nez Perce County, I. T., do hereby certify that the foregoing instrument is a true copy of the original abstract now on file in my office.

{ SEAL OF NEZ } In witness whereof I have hereunto set my
{ PERCE COUNTY } hand and affixed the seal of the county, this 9th
{ COMMISSIONERS. } day of November, A. D. 1874.

W. P. HUNT,
Clerk of the Board of County Commissioners.

EXHIBIT H.

*Abstract of votes cast at the general election held in Oneida County, Idaho
November 3, 1874, for Delegate in Congress.*

Name of precinct.	Thomas W. Bennett.	S. S. Fenn.	Hon. S. S. Fenn.
Market Lake	33	13	
Ross Fork.....	127		
Pleasant Valley.....	65		
Montpelier	2	54	
Blackfoot	24		
Deep Creek	53	22	
Bear River	12	7	
Eagle Rock	82		
Paris	1		167
Cariboo	7	3	
Clifton.....	8		75
Soda Springs	8	8	
Franklin	32	76	
	460	184	240

Certified by us.

THOMAS DANIELS,
GEORGE LAKE,
B. F. WHITE,
Board of Canrassers.

TERRITORY OF IDAHO,

County of Oneida, ss :

I, B. F. White, county recorder and ex-officio clerk board county commissioners, in and for said county and Territory, do hereby certify that the foregoing is a true, full, and correct copy of the abstracts of votes cast for Delegate to Congress, at the general election held in Oneida County, November 3, 1874, as the same appears on file in my office, showing that Thomas W. Bennett received four hundred and sixty votes, S. S. Fenn one hundred and eighty-four votes, and Hon. S. S. Fenn two hundred and forty-six votes.

Witness my hand and official seal, at Malade City, Idaho Territory, this 24th day of November, A. D. 1874.

[SEAL.]

B. F. WHITE,

*County Recorder and ex-officio Clerk Board County Commissioners
Oneida County, Idaho Territory.*

EXHIBIT I.

*Abstract of votes cast for Delegate to Congress in the several precincts of
Owyhee County, Idaho Territory.*

For Delegate to Congress.	Cassia Creek.	Bulhon City.	Rock Creek.	War Eagle.	Sinker Creek.	Oro Fino.	Reynolds Creek.	Wagontown.	Pleasant Val.	Silver City.	Bruneau.
T. W. Bennett	25	191	30	32	19	117	26	5	11	211	686
S. S. Fenn	5	90	14	36	6	103	7	15	12	200	497

TERRITORY OF IDAHO,

County of Owyhee, ss :

I hereby certify that the above is a true and correct abstract of the votes cast for Delegate to Congress in Owyhee County, Idaho Territory, as by the returns canvassed by the board of county commissioners of said county and Territory.

In witness whereof I have hereunto set my hand and affixed my official seal this 17th day of November, 1874.

[SEAL.]

GEO. DREW,

Clerk of the Board of County Commissioners.

EXHIBIT J.

At an election held in Shoshone County, Idaho Territory, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names for the office of Delegate to Congress, to wit :

S. S. Fenn received forty-five (45) votes.

T. W. Bennett received nineteen (19) votes.

(SEAL OF COUNTY)

(COMMISSIONERS.)

B. H. JAUME,

*Chairman of the Board of County
Commissioners, Shoshone County.*

Attest:

[L. S.] D. M. FRASER, Clerk.

TERRITORY OF IDAHO,
County of Shoshone, ss :

I, D. M. Fraser, auditor and recorder in and for Shoshone County Idaho Territory, and *ex-officio* clerk of the board of county commissioners of said county, do hereby certify that the foregoing is a full, true and correct copy of an abstract of votes given for Delegate to Congress, at an election held in said county on the 3d day of November A. D. 1874.

Attest my hand and seal this the 4th day of November, A. D. 1874.
[SEAL.] D. M. FRASER, Clerk.

EXHIBIT K.

TERRITORY OF IDAHO,
County of Idaho, ss :

At an election held in Idaho County, Idaho Territory, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names for the office of Delegate to Congress, to wit :

WARREN PRECINCT.

	No. Votes
S. S. Fenn, (eighty-five).....	85
T. W. Bennett, (four).....	4

FLORENCE PRECINCT.

S. S. Fenn, (twenty-eight).....	28
T. W. Bennett, (nine)	9

ELK CREEK PRECINCT.

S. S. Fenn, (four)	4
T. W. Bennett, (one).....	1

JOHN DAY PRECINCT.

S. S. Fenn, (eleven)	11
T. W. Bennett, (six)	6

WHITE BIRD PRECINCT.

S. S. Fenn, (twenty-eight).....	28
T. W. Bennett, (three).....	3

RAIN'S PRECINCT.

S. S. Fenn, (seven).....	7
T. W. Bennett, (none).....	0

TOTAL VOTE FOR DELEGATE TO CONGRESS.

S. S. Fenn, (one hundred and sixty-three).....	163
T. W. Bennett, (twenty-three).....	23

On motion, the Slate Creek precinct election-returns are hereby thrown out of the count, for informality, by order of the board of canvassers.
H. A. TINKHAM,
Chairman.

Attest: B. F. MORRIS, Clerk.

TERRITORY OF IDAHO,
County of Idaho, ss :

I hereby certify that the above is a full, true, and correct copy of the original abstract of the votes cast for Delegate to Congress in Idaho County, Idaho Territory, as made out by the board of canvassers, November 7, 1874.

In witness whereof I have hereunto set my hand and affixed the county commissioners' seal this December 17, A. D. 1874.

{ SEAL OF IDAHO COUNTY } B. F. MORRIS,
{ COMMISSIONERS, IDAHO } Clerk Board County Commissioners,
{ COUNTY, I. T. } Idaho County, I. T.

EXHIBIT L.

The following is an abstract of the votes cast for Delegate to Congress at the general election held in Nez Perces County, Idaho Territory, on the 3d day of November, A. D. 1874 :

Precincts.	Delegate to Congress.	
	T. W. Bennett.	S. S. Fenn.
Lewiston	66	123
Lake Waha.....	3	8
Cottonwood.....	2	12
Mount Idaho.....	1	111
Jackson's Bridge.....	2	19
Newsom Creek.....	.....	11
Clearwater Station.....	1	11
Elk City.....	4	27
Paradise Valley	1	45
Genesee	1	14
Palouse Bridge.....	2	10
Camma's Creek	1	18
Pine Creek.....	3	14
Total.....	87	423

TERRITORY OF IDAHO,
County of Nez Perces, ss :

We, the undersigned, board of county commissioners of Nez Perces County, Idaho Territory, do hereby certify the foregoing to be a true

and correct abstract of the votes cast for Delegate to Congress at the general election held therein on the 3d day of November, A. D. 1874.

Dated this 14th day of December, A. D. 1874.

D. H. HOWSER,

Chairman.

GEORGE DEMPSTER.

J. B. MEGOMY.

Attest :

W. P. HUNT,

*Clerk of the Board of County Commissioners of
Nez Perce County, Idaho Territory.*

TERRITORY OF IDAHO,

County of Nez Perces, ss :

I, W. P. Hunt, clerk of the board of county commissioners of Nez Perces County, Idaho Territory, do hereby certify that the foregoing is a true and correct copy of the original abstract made by the board of county commissioners of Nez Perces County, Idaho Territory, on the 14th day of December, A. D. 1874, and now on file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the county this 17th day of December, A. D. 1874.

{ SEAL OF NEZ PERCES CO.
COMMISSIONERS, NEZ
PERCES CO., I. T. }

W. P. HUNT,

Clerk of the Board of County Commissioners of Nez Perces County, Idaho Territory.

Certificate of chief-justice.

TERRITORY OF IDAHO :

County of Ada, ss :

I, M. E. Hollister, chief-justice of the supreme court in and for the Territory of Idaho, do hereby certify that the witness in the foregoing deposition named was by me duly sworn to testify the truth, the whole truth, and nothing but the truth. That said deposition was taken at the time and place mentioned in the annexed notice of taking depositions, to wit, at my chambers, in Boise City, in said county of Ada, commencing on Thursday, the 4th day of February, A. D. 1875, and ending on Friday, the 5th day of February, 1875, between the hours of 6 o'clock p. m. and 9 o'clock p. m. of each day. That said deposition was reduced to writing by me, and when completed was carefully read by me to said witness, and being by him corrected was by him subscribed in my presence.

That the annexed exhibits marked Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H, Exhibit I, Exhibit J, Exhibit K, and Exhibit L, are the identical exhibits referred to by the witness, and in regard to which he has testified; and I further certify that at the time the annexed notice of taking depositions was given, to wit, on the 30th day of January, 1875, I was an associate justice of the Territory of Idaho; but that I am now, and was, previous to the 4th day of February, 1875, appointed, confirmed, and commissioned chief-justice of Idaho Territory.

M. E. HOLLISTER,

Chief-Justice Supreme Court of Idaho Territory.

Attest :

[SEAL.] A. L. RICHARDSON,

Clerk Supreme Court of Idaho Territory.

ONEIDA COUNTY.

Notice to take depositions at Malade.

BOISE CITY, ADA COUNTY, IDAHO TERRITORY,
January 27, 1875.

SIR: You will please take notice that on Monday, the 8th day of February, A. D. 1875, in Malad City, Oneida County, Idaho Territory, before E. A. Hollister, clerk of the district court of the third judicial district of Idaho Territory, at his office in said Malad City, I propose to commence the examination of the witnesses whose names are given below. The examination of said witnesses and others, whose names may be furnished you within the time limited by law, will be continued from day to day, and over Sundays and non-judicial days, between the hours of 9 o'clock a. m. and 10 o'clock p. m. of each day, until the same shall be completed. The testimony thus taken is to be used in the contested-election case of Delegate to the Forty-fourth Congress of the United States, from Idaho Territory, in which I am contestant, and you are contestee.

S. S. FENN.

To THOMAS W. BENNETT.

Witnesses to be examined in pursuance of the foregoing notice: B. F. White, Thomas Daniels, George Lake, H. O. Harkness, L. H. Hatch, C. C. Rich, Joseph Rich, Henry Peck.

TERRITORY OF IDAHO,
County of Ada, ss:

I. L. Tiner, being duly sworn, on oath says that he served the foregoing notice on Thomas W. Bennett, in Boise City, Ada County, Idaho Territory, on January, 27, 1875, by delivering a true and correct copy thereof to him personally.

I. L. TINER.

Subscribed and sworn to before me this 27th day of January, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Agreement.

In the matter of the contest of the election of Delegate in the Forty-fourth Congress of the United States from Idaho Territory.

S. S. FENN, CONTESTANT, }
 vs. }
 T. W. BENNETT, CONTESTEE.

It is hereby stipulated and agreed by and between the parties to the above-specified controversy, viz, S. S. Fenn, contestant, and Thomas W. Bennett, contestee, that testimony of witnesses in Oneida County, in Idaho Territory, both on the part of contestant and contestee in the said controversy, may be taken on notice as required by law, in writing,

giving the time and place when and where the same will be taken, as well as of the name of the witness or witnesses to be examined, before E. A. Hollister, esq., clerk of the district court of the third judicial district in said Territory.

In witness whereof said parties respectively hereto set their hands at Boise City, in Idaho Territory, this January 25, A. D. 1875.

S. S. FENN,
T. W. BENNETT.

TERRITORY OF IDAHO,
County of Ada, ss :

This affiant, George Ainslie, being first duly sworn, deposes and says that the within stipulation was drawn by him, and signed by both S. Fenn, the contestant, and Thomas W. Bennett, the contestee, on the 25th day of January, A. D. 1875, and their signatures thereto are genuine.

GEO. AINSLIE.

Subscribed and sworn to before me January 25, A. D. 1875.

Witness my hand and seal of office, at Boise City, I. T., the date last aforesaid.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Notice of additional witnesses, No. 1.

BOISE CITY, ADA COUNTY, IDAHO TERRITORY,
January 28, 1875.

SIR: You will please take notice that in addition to the names of witnesses to be examined in the contested-election case for Delegate in Congress from the Territory of Idaho to the Forty-fourth Congress of the United States, in which I am contestant and you are contestee, at Malad City, Oneida County, Idaho Territory, under the notice heretofore served upon you, commencing on the 8th day of February, A. D. 1875, I propose under said notice to examine also the persons named in the list hereto attached.

S. S. FENN.

To THOMAS W. BENNETT.

Names of witnesses to be examined in pursuance of the foregoing notice: W. N. Shilling, Morgan Morgan, E. J. Davis.

TERRITORY OF IDAHO,
County of Ada, ss :

I. L. Tiner, being first duly sworn, on oath says that he served the foregoing notice on Thomas W. Bennett in Boise City, Ada County, Idaho Territory, on January 30, 1875, by delivering a true and correct copy thereof to him personally.

I. L. TINER.

Subscribed and sworn to before me this 30th day of January, A. D. 1875.

Witness my hand and seal of office, at Boise City, I. T., this 30th day of January, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Notice of additional witnesses, No. 2.

BOISE CITY, ADA COUNTY, IDAHO TERRITORY,
February 8, 1875.

SIR : You will please take notice that in addition to the names of witnesses to be examined in the contested election for Delegate in Congress from the Territory of Idaho to the Forty-fourth Congress of the United States, at Malad City, in the county of Oneida, Idaho Territory, under the notice heretofore served upon you, commencing on the 8th day of February, A. D. 1875, I propose under said notice to examine the persons named in the list hereunto attached.

S. S. FENN.

To THOMAS W. BENNETT.

Names of witnesses to be examined in pursuance of the foregoing notice. Thomas Bolingbroke, jr., William Shirers, Joseph Warren, Lee Mantle, E. M. Steers, Hezekiah Hatch, A. P. Fordham, William Whitehead, Robert L. Dowdle, W. H. Jones, L. L. Bolingbroke, William Bradshaw, Morgan Jones, B. L. Bush, J. Hunt, Carl Hawkins, W. Woodland, C. Burnes, A. Barger, J. Wakely, Isaiah Watson, T. Woodland, Griffith Thomas.

TERRITORY OF IDAHO,
County of Ada, ss :

I. L. Tiner, being first duly sworn, on oath says that he served the foregoing notice on Thomas W. Bennett, at Boise City, Ada County, Idaho Territory, on the 8th day of February, A. D. 1875, by delivering a true and correct thereof to him personally.

I. L. TINER.

Subscribed and sworn to before me this 8th day of February, A. D. 1875.

In witness whereof I have hereunto set my hand and the seal of the supreme court in and for said Territory, this 8th day of February, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Notice of additional witnesses, No. 3.

BOISE CITY, ADA COUNTY, IDAHO TERRITORY,
February 12, 1875.

SIR : You will please take notice that, in addition to the names of witnesses to be examined in the contested-election case for Delegate in Congress from the Territory of Idaho to the Forty-fourth Congress of the United States, at Malad City, Idaho Territory, under the notice heretofore served upon you, commencing on the 8th day of February, A. D. 1875, I propose, under said notice, to examine the persons named in the list attached hereto.

S. S. FENN.

To THOMAS W. BENNETT.

Names of witnesses to be examined in pursuance of the foregoing

notice: E. M. Onombie, A. P. Stoner, R. J. Calwell, Dover Adams, John Adams, J. Byington, S. Nelson, A. Barker, C. Hancock, W. Tillson.

TERRITORY OF IDAHO:

County of Ada, ss :

I. L. Tiner, of Boise City, in said county and Territory, being duly sworn, says that he served the foregoing notice on Thomas W. Bennett, at Boise City, in said county and Territory, on the 12th day of February, A. D. 1875, by delivering a true and correct copy thereof to him personally.

I. L. TINER.

Subscribed and sworn to before me this 12th day of February, A. D. 1875.

Witness my hand and the seal of the supreme court of Idaho Territory, at Boise City, this 12th day of February, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Notice of additional witnesses, No. 4.

MALAD CITY, ONEIDA COUNTY, IDAHO TERRITORY,
February 19, 1875.

SIR: You will please take notice that, in addition to the names of witnesses to be examined in the contested election for Delegate to Congress from the Territory of Idaho, at Malad City, Oneida County, Idaho Territory, under the notice heretofore served on you, commencing on the 8th day of February, A. D. 1875, I purpose, under said notice, to examine also the persons named in the list hereto attached.

J. BROOMBACK,
Attorney for S. S. Fenn.

To T. W. BENNETT,
And his Attorney, B. F. White.

Names of witnesses to be examined in pursuance of the foregoing notice: R. G. Evans, B. F. Potter, James Anderson, Frank Levan, J. L. Brown.

TERRITORY OF IDAHO,

County of Oneida, ss :

Fred Thomas, being duly sworn, deposes and says that he served the foregoing notice and list of names on B. F. White, the attorney of T. W. Bennett, by delivering to him personally a full, true, and correct copy thereof, at Malad City, Oneida County, Idaho Territory, on the 19th day of February, A. D. 1875.

FRED THOMAS.

Depositions at Malad City.

TERRITORY OF IDAHO,

County of Oneida, ss :

I, E. A. Hollister, clerk district court third judicial district, in and for the county of Oneida and Territory of Idaho, do hereby certify that

in pursuance of the annexed notice and stipulation, S. S. Fenn, contestant, by his counsel, J. Brumbach, esq., appeared before me at my office in Malad City, Oneida County, Idaho Territory, on Monday, the 8th day of February, A. D. 1875, at the hour of 10 o'clock a. m., for the purpose of taking testimony in the case of S. S. Fenn, contestant, vs. T. W. Bennett, contestee—no counsel appearing for the said contestee—except as stated in the body of the annexed depositions; and there being no witnesses in attendance, I adjourned the taking of testimony until Tuesday, February 9, A. D. 1875, at the hour of 10 o'clock a. m. of said day, and on that day said party appearing, by his counsel, as aforesaid, and at the hour aforesaid, there being no witnesses in attendance, I adjourned the taking of testimony until Wednesday, February 10, A. D. 1875, at the hour of 10 o'clock a. m. of said day; and on that day said party appearing, by his counsel aforesaid, and at the hour aforesaid, there being no witnesses in attendance, I adjourned the taking of testimony until Thursday, February 11, A. D. 1875, at the hour of 10 o'clock a. m. of said day; and on that day said party appearing, by his counsel aforesaid, and at the hour aforesaid, there being no witnesses in attendance, I adjourned the taking of testimony until Friday, February 12, A. D. 1875, at the hour of 10 o'clock a. m. of said day; and on that day said party appearing, by his counsel aforesaid, and at the hour aforesaid, there being no witnesses in attendance, I adjourned the taking of testimony until Saturday, February 13, A. D. 1875, at the hour of 10 o'clock a. m. of said day; and on that day, at the hour aforesaid, the said contestant, by his counsel, produced as witnesses, B. F. White, George Lake, E. J. Davis, R. T. Bush, T. J. Bolinbroke, Griffith Thomas, Morgan Morgan, Thomas Daniels, L. H. Hatch, Robert J. Caldwell, Thomas Bolinbroke, Francis Levan, William A. Tillotson, Richard G. Evans, and W. C. Hawkins, who were by me duly sworn to testify the truth, the whole truth, and nothing but the truth, and examined and cross-examined in that behalf.

Deposition of B. F. White.

B. F. WHITE, being duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—
 Answer. My name is B. F. White; aged, thirty-six years; and reside in Malad City, Oneida County, Idaho Territory.

Int. 2. State what official position, if any, you have held for the past two years, and still hold.—A. That of county recorder of Oneida County, Idaho Territory, and, *ex-officio*, county auditor, clerk of the board of county commissioners, and superintendent of schools.

Int. 3. State whether or not there was an election held in Oneida County last November for the election of county officers and for Delegate to Congress, together with other officers.—A. There was.

Int. 4. State whether or not you, as clerk of the board of county commissioners, furnished poll-books for such election to the different precincts of Oneida County.—A. I did.

Int. 5. State whether there was any session of the board of county commissioners of Oneida County in October last.—A. There was not.

Int. 6. State who canvassed the returns of the election of last November in Oneida County.—A. Two members of the board of county commissioners, Thomas Daniels and George Lake, and myself.

Int. 7. State what precincts in Oneida County made returns of said election.—A. Pleasant Valley, Ross Fork, Market Lake, Blackfoot, Deep

Creek, Clifton, Franklin, Eagle Rock, Bear River, Soda Springs, Carbon, Paris, Montpelier.

Int. 8. State whether anything was sent or brought to you as clerk of the board of county commissioners or individually pertaining to said election from the precincts of Malad and Marsh Valley; if so, what was sent or brought?—A. From Malad precinct, Mr. Griffith Thomas brought me a cigar box which he said contained the votes—ballots I understood him to mean—from Malad precinct. Nothing was ever brought to me pretending to come from Marsh Valley.

Int. 9. Did you examine that cigar-box to see what it contained, and what was done with that cigar-box?—A. When the board of canvassers met to canvass the vote, I informed them what had been brought to me from Malad precinct, and produced it to them. The matter was discussed, and it was decided by the two county commissioners that if that was the ballot-box and contained the ballots as represented, they had no right to open it under the law, and they refused to open it. After the canvass was over, several days afterward, the box was laying around in my office in the way. I opened it out of curiosity to see what was in it. I found that it contained a lot of ballots folded up, and a kind of tally-list as if there had been some counting done of some kind. I could not say whether there was any poll-list in it or not. I threw it in the back office.

Int. 10. I understand you to say that there was nothing of any kind of ballots, poll-list, poll-book, or anything else—received from Marsh Valley.—A. Nothing purporting to come from Marsh Valley.

Int. 11. Do you know what became of the returns from Marsh Valley?—A. I understand that there was no election held in Marsh Valley at all.

Int. 12. Was there anything received by you pertaining to said election from any place in the neighborhood of Marsh Valley, not from the precincts you have mentioned?—A. There was an old gentleman named Hancock, a few days after the election, called at my office and remarked that he had brought me the ballot-box from Nine-mile precinct. He proceeded to unroll a package he had, and produced a cigar-box. He handed it to me and wanted me to pay him for bringing it. I opened the cigar-box to see what it contained, in the presence of several parties, and found a lot of ballots stuffed into it. That is all there was in it.

Int. 13. What did you do with the cigar-box and its contents?—A. I threw them into the fire.

Int. 14. Where is the place established by the board of county commissioners of holding elections in Marsh Valley, and when was that place established by the board?—A. The place established is at the Marsh Creek crossing. The place was fixed there two years ago.

Int. 15. Who resides at that crossing; who did reside there at the time that place was fixed for holding elections?—A. Benjamin Pearson resides there now; at the time the place was fixed for holding elections I think David Burnett resided there. He kept a store, and it was the only public place in the valley.

Int. 16. Was there any record made by the board of county commissioners of the establishing that place to hold elections?—A. I think there was.

Int. 17. When were the precincts of Ross Fork, Pleasant Valley and Market Lake established?—A. Several years ago; seven or eight years ago.

Int. 18. State whether or not, in April, 1872, the board of county commissioners re-adjusted the precincts of Oueida County, abolishing some

and creating others.—A. (Witness examines the records of the board of county commissioners.) They did.

Int. 19. State what election precincts were created in Oneida County by the action of the board of county commissioners, in April, 1872.—A. Black Pine, Malad, Deep Creek, Soda Springs, Blackfoot, Eagle Rock, Caribou, and Marsh Valley.

Int. 20. State whether or not the order so establishing these precincts repealed all previous orders by the board upon the subject.—A. There was an order passed that was probably intended to do so.

Int. 21. State what precincts in Oneida County have since been created by the board of county commissioners of said county, in addition to those mentioned in your answer to interrogatory 19; and when were they so established?—A. July 8, 1872, Franklin precinct, Paris precinct, and Montpelier precinct; July 9, 1872, Clifton precinct; October 14, 1872, Bear River precinct; April 6, 1874, Oxford precinct.

Int. 22. State whether the poll-lists of the election of November 3, 1874, from the precincts of Ross Fork, Blackfoot, Eagle Rock, Market Lake, and Pleasant Valley are in your possession.—A. I think they are.

Int. 23. State whether or not the abstract of the votes of the election of November 3, 1874, for Delegate to Congress, as made by the county board of commissioners, is in your office and in your possession.—A. I think it is. (Witness examines and finds it.)

(Said abstract is here exhibited to witness, and the following interrogatories made with reference to it.)

Int. 24. Look at this abstract and state how, in making said abstract, the vote from the precincts of Paris and Clifton were set down Hon. S. S. Fenn, and not for S. S. Fenn, outside of those returned for Thomas W. Bennett.—A. I presume because it was read so by the party reading the returns.

Int. 25. State whether at that canvass the votes not for Thomas W. Bennett for Delegate to Congress were first set down in a column for S. S. Fenn, from those two precincts.—A. They were not.

Int. 26. State in whose handwriting the returns are from the two precincts of Paris and Clifton, aside from the number of votes cast for the different candidates.—A. Partly in mine, and a part I do not know anything about. I made out the blank form for the returns to be made on, and inserted the names of candidates as I found them written and printed on the different tickets.

Int. 27. State in what precincts, if any, in making out these blank form of returns, you wrote as candidate for Delegate to Congress Hon. S. S. Fenn, and in what precincts you wrote S. S. Fenn?—A. I wrote Hon. S. S. Fenn in every precinct where I wrote his name at all, because that is the way the tickets were printed, with the exception of Deep Creek precinct, where I made out the returns under the direction of the judges of election after the election.

Int. 28. State in how many of the blank forms you sent out to the different precincts, you wrote either Hon. S. S. Fenn or S. S. Fenn as candidate for Delegate to Congress?—A. Three.

Int. 29. State whether the returns from Paris and Clifton were made in the blanks that you sent to those precincts or not?—A. They were.

Int. 30. State whether you know of more than one S. S. Fenn in Idaho Territory?—A. I have heard of only one.

Int. 31. State whether or not you have heard him designated as Hon. S. S. Fenn as well as S. S. Fenn?—A. I have never heard him designated as Hon. S. S. Fenn.

Int. 32. Whether or not you know of any one by the name of Hon. S. S. Fenn in Idaho Territory?—A. I do not.

Examination adjourned until Monday, February 15, A. D. 1875, at 10 o'clock a. m.

MONDAY, *February 15*, A. D. 1875.

At 10 o'clock a. m. S. S. Fenn appeared by his counsel, J. Brunboeck esq., no counsel appearing for T. W. Bennett, contestee; and no witnesses being present, the examination was continued until 2 o'clock p. m. of the same day, when the examination of B. F. White was resumed.

Int. 33. State whether or not you have certified copies of the records and papers on file in your office of which copies were requested of you on Saturday, February 13? If so, let them be marked exhibits, and explain what each exhibit is.—A. I have. They are marked Exhibits A, B, C, D, E, F, and G. Exhibit A is a certified transcript of the records of the board of county commissioners of Oneida County, Idaho Territory. Exhibit B is a certified copy of the abstract of votes for Delegate to Congress. Exhibit C is a certified copy of the poll-book of Market Lake precinct. Exhibit D is a certified copy of the poll-book of Eagle Rock precinct. Exhibit E is a certified copy of the poll-book of Pleasant Valley precinct. Exhibit F is a certified copy of the poll-book of Blackfoot precinct. Exhibit G is a certified copy of the poll-book of Ross Fork precinct.

Int. 34. State whether or not there is any other record of the doing of the county commissioners of Oneida County aside from the one from which Exhibit A is taken.—A. Not that I am aware of.

Int. 35. For what election are Exhibits C, D, E, F and G poll-book of?—A. For the election of November 3, 1874.

Int. 36. Of whom do the names therein contained purport to be?—A. They purport to be the names of the voters of the respective precincts named therein.

Int. 37. State whether or not you sent notices of the election of November 3, 1874, to any of the various precincts named in Exhibit B as well as to any other precincts not therein named. If so, to what precincts did you send such notices to be posted?—A. I sent three notices as is required by law to the following precincts: Pleasant Valley, Market Lake, Eagle Rock, Blackfoot, Ross Fork, Marsh Valley, Malad Deep Creek, Clifton, Franklin, Bear River, Soda Springs, Caribou, Montpelier, and Paris.

B. F. WHITE.

Deposition of George Lake.

GEORGE LAKE, being duly sworn, testified as follows:

(B. F. White enters his appearance as attorney for T. W. Bennett the said contestee, for the purpose of the examination of the following named witnesses only: Thomas Daniels, George Lake, H. O. Harkness, L. H. Hatch, C. C. Rich, Joseph Rich, Henry Peck, W. N. Shilling, E. J. Davis, and M. Morgan.)

Interrogatory 38. State your name, age, and place of residence.—Answer. George Lake; aged thirty-six years; reside at Oxford, Oneida County, Idaho Territory.

Int. 39. State what county office, if any, you held in Oneida County during the year 1874.—A. County commissioner.

Int. 40. State who canvassed the returns from the various election-precincts of Oneida County of the election of November 3, 1874.—A. B. F. White, Thomas Daniels, and myself.

Int. 41. State what was done, if anything, with the returns from Malad precinct, and what returns, if any, there were from said precinct.—A. Not anything that I am aware of. I saw a box that was said to have come from that precinct, but it was sealed. It was said to contain the returns.

Int. 42. Why was the box not opened and the returns canvassed?—A. The box was in care of B. F. White, who declined opening it.

Int. 43. State how far Nine-Mile Creek is from the crossing of Marsh Creek.—A. I am not acquainted with the road. I have been informed that it was about six miles.

Int. 44. Why, in making out the abstract of the votes from the various precincts, did the canvassers put the number of votes for Delegate to Congress not returned for Thomas W. Bennett, under a column headed Hon. S. S. Fenn, in the precincts of Paris and Clifton?

(Objected to by counsel for said contestee, on ground of irrelevancy.)

A. I am not posted as to the reasons.

Int. 45. Who wrote the original abstract of the votes in that canvass for Delegate to Congress?—A. Mr. B. F. White.

Int. 46. State what candidates there were before the people of Oneida County for Delegate to Congress at the election of November 3, 1874.—A. S. S. Fenn and Thomas W. Bennett.

Int. 47. State whether or not S. S. Fenn is known as Hon. S. S. Fenn.—A. As such, I heard him spoken of.

Int. 48. Do you know of any other S. S. Fenn than the one who was a candidate for Delegate to Congress at the last election?—A. No, sir.

Int. 49. How long have you resided in Idaho Territory?—A. Since the fall of 1871.

Int. 50. When did you make the canvass of the returns of the election of November 3, 1874?—A. Ten days after the election.

Cross-examination :

Cross-int. 1. You say you were told that the box in question contained the returns from the Malad precinct. Who told you so?—A. I was told by parties that are supposed to know what it contained.

Cross-int. 2. State who those parties were.—A. I don't know that I can remember who the party was. I know him when I see him.

Cross-int. 3. At what time were you told this?—A. At the time we were canvassing election-returns.

Cross-int. 4. At what place were you when you were told this?—A. I was near to Higbee's office, if my memory serves me right.

Cross-int. 5. Were the returns canvassed near Higbee's office?—A. I went out a few moments from the room, was the way I ascertained it.

Cross-int. 6. Did you not have any information as to what that box contained before you went out, as you say?—A. Yes, sir; that was what led me to ask this party concerning it.

Cross-int. 7. What did that party tell you it contained?—A. The election-returns; that that was their usual way of sending in their election-returns.

Cross-int. 8. Try and think who that party was.—A. I am not but little acquainted with him; I can't remember the name.

Cross-int. 9. Was he present in the room during the canvass?—A. I am not positive whether he was or was not.

Cross-int. 10. Was it not Frederick Thomas?—A. I think his name was Thomas; that sounds like it.

Cross-int. 11. Please state, if you know, where Frederick Thomas got his information.—A. I could not say; do not know.

Cross-int. 12. Did he not state to you the means by which he became possessed of that information?—A. I do not know that he did.

Cross-int. 13. Was Frederick Thomas a judge of election or any officer of election in Malad precinct?—A. Not that I am aware of.

Cross-int. 14. Did this conversation between you and Mr. Thomas occur before or after the official canvass of the votes?—A. Before the canvassing was closed.

Cross-int. 15. What do you mean by "before it was closed"?—A. I think that the returns had been footed up but not signed by the canvassers.

Cross-int. 16. Did not Mr. B. F. White, as clerk of the board of county commissioners, and before the canvass had commenced, inform you officially as a member of the canvassing board—producing the box in question—that that was the box brought to him and said to contain the votes or ballots of the Malad precinct?—A. I am aware that there was something said with regard to the box, either before or after the canvassing, I am not positive which.

Cross-int. 17. What was said about it?—A. I think that Mr. White spoke of the box as containing election-returns of Malad precinct, but he stated that the returns were not according to law, hence he declined opening the box.

Cross-int. 18. Did Mr. White state to you that the box contained election-returns or did he state to you that it purported to contain the votes or ballots of Malad precinct?—A. From the conversation that took place I was led to conclude it contained the election-returns of Malad precinct.

Cross-int. 19. Did you see the box?—A. Yes, sir.

Cross-int. 20. Did you handle it?—A. I think I did.

Cross-int. 21. Was it sealed up?—A. Yes, sir; I think it was.

Cross-int. 22. What kind of box was it?—A. I think it was a cigar box.

Cross-int. 23. How was it sealed up?—A. I think the lid was tacked on. That was all the fastening that I recollect.

Cross-int. 24. Was there not a piece of paper pasted on the cover and down the sides to hold the cover down, and another piece pasted over the hole in the top of the box, made there apparently for putting in the ballots?—A. I could not say as to that. I think there was some paper pasted on the box, but what the object was I could not say.

Cross-int. 25. Did the box appear to have been opened?—A. I think not, if my memory serves me right.

Cross-int. 26. How did Mr. White know that that box contained election-returns?—A. I suppose that he had been informed.

Cross-int. 27. Did he state that he had been informed, or that he knew?—A. I think he stated that that was supposed to contain the election-returns of Malad precinct.

Cross-int. 28. Did he say election-returns, or did he say votes or ballots?—A. I understood it that he said election-returns; that was the light I took it in.

Cross-int. 29. Why was it that that box was in the possession of Mr. White?—A. From the fact that he was the man to receive the election returns.

Cross-int. 30. Was he the proper person in whose possession the box was to be?—A. I so understood it.

Cross-int. 31. What official position did Mr. White hold, if any?—A. County recorder, or clerk of the board.

Cross-int. 32. As such he was the proper person to receive and hold the election-returns until they were canvassed, was he not?—A. I so understood it in that light.

Cross-int. 33. Did you call upon Mr. White as a member of the board of canvassers to open that box?—A. Yes, sir.

Cross-int. 34. Did he refuse?—A. Yes; I understood it in that light.

Cross-int. 35. Why did he refuse?—A. I could not say what his reasons were.

Cross-int. 36. Was not that box afterward handed to you, and you had the privilege of opening it, if you felt so disposed?—A. Mr. White stated that I could open it if I wished; that he would not. I did not so understand that it was my right to open it.

Cross-int. 37. Why was it not your right?—A. From the fact the election-returns were addressed to Mr. White.

Cross-int. 38. Was that box addressed to Mr. White?—A. I understood that it was placed in his possession.

Cross-int. 39. Was it addressed to Mr. White, or anybody else?—A. I cannot say that it contained any address, or that there was any address on the box.

Cross-int. 40. Was it not your privilege as well as Mr. White's, to open election returns?—A. I think not, as they were not placed in my charge.

Cross-int. 41. Were not all the election-returns, including this box, turned over to you and Mr. Daniels, as a board of canvassers, at the time you assembled as such board?—A. Yes; after the returns were opened that were inclosed in envelopes, by Mr. White.

Cross-int. 42. Was it Mr. White's duty any more than your own to open these election returns?—A. I do not consider that I have a right to open a letter addressed to Mr. White.

Cross-int. 43. What reason did you give at that time for refusing to open the box in question?—A. I did not consider it my place to open it.

Cross-int. 44. Was that your only reason?—A. Yes.

Cross-int. 45. Did you not give another reason at that time?—A. I do not know that I did.

Cross-int. 46. Do you not recollect of referring to the statutes of the fifth or sixth session to a certain law in relation to the keeping of ballot-boxes?—A. I do not recollect that there was anything of that kind referred to on that question.

Cross-int. 47. Did you, or do you now, know of a law upon our statutes requiring the ballot boxes, at each and any election, to be kept sealed up by one of the judges, with the seal unbroken for at least eight months?—A. I do not recollect of anything of that kind pertaining to that clause in the law.

Cross-int. 48. Do you, or do you not, recollect that Mr. White told you on the day of the canvassing of the votes, that there was such a law?—A. I cannot call to mind any such conversation.

Cross-int. 49. Do you not recollect, sir, that the existence of such a law was the reason which you gave yourself, personally, for refusing to open that box?—A. I don't remember of ever giving any such reason.

Cross-int. 50. Did you on that day consult with Mr. District-Attorney Ensign about the matter of opening that box?—A. Yes, sir.

Cross-int. 51. What did Mr. Ensign tell you to do with it?—A. I think he stated that Mr. White had a right to treat it as an envelope.

Cross-int. 52. Did he not tell you that you should treat it as an envelope?—A. I think not.

Cross-int. 53. Did Mr. White ask you to consult Mr. Ensign on (White's) account?—A. No, sir; I don't know as he did.

Cross-int. 54. How came you to do it?—A. I asked Mr. Ensign what should be done with returns handed in in that form. His answer was as above stated.

Cross-int. 55. What was his answer?—A. That Mr. White had a right to treat it as an envelope.

Cross-int. 56. You are quite sure that he said Mr. White, are you?—A. I think he did.

Cross-int. 57. Had Mr. White refused to open the envelopes in which the balance of the returns were made, would you and Mr. Daniels have been authorized to open them?—A. I think not, as they were addressed to Mr. White.

Cross-int. 58. Were the envelopes in which the returns were made addressed to Mr. White personally, or officially?—A. I think some of them were addressed to him personally, if my memory serves me right.

Cross-int. 59. What makes you think so?—A. I think I saw the address.

Cross-int. 60. As near as you can recollect, what was the writing on the back of the envelopes?—A. B. F. White, Malad City, Oneida, Idaho.

Cross-int. 61. Were they sealed up?—A. Yes, sir; I think they were.

Cross-int. 62. Was there anything else on the envelopes to indicate that they were election-returns?—A. On some; and on some I think there was not.

Cross-int. 63. When you receive letters addressed to you, do you generally open them to see what is inside?—A. Yes, sir; I generally do.

Cross-int. 64. How then did Mr. White know that they were election-returns?—A. I presume he would not know unless he was informed by the party who delivered them.

Cross-int. 65. If Mr. White had handed you any of those envelopes which were directed to him personally, which you speak of, and informed you, as a member of the board of canvassers, that they contained election-returns, would you not have been authorized by law to open them and could you not have opened them?—A. Not without a permit from Mr. White.

Cross-int. 66. Would you, had you been permitted or requested?—A. Perhaps I might.

Cross-int. 67. Would you not have felt authorized to do so, if you felt inclined?—A. If Mr. White had given me authority so to do.

Cross-int. 68. You say that you admit that Mr. White offered you the box and authorized you to open it if you felt disposed. Why did you not do so?—A. He stated that if I wished to open the box I could do so but he would not; hence I did not feel authorized to open it myself, as he was present.

Cross-int. 69. Why did you not feel authorized to open it?—A. Because I considered that Mr. White's business.

Cross-int. 70. Were you afraid to open it?—A. Yes; because I considered it as opening a box placed in Mr. White's charge, which I had no business to do.

Cross-int. 71. Is that the only reason you can give?—A. Yes; that is the only reason I can give.

Cross-int. 72. Do you know what the law is concerning the canvassing of votes?—A. Some parts of it.

Cross-int. 73. Did you ever read it?—A. I think I have.

Cross-int. 74. Did you at that time know what your duties were?

as a member of the board of canvassers that canvassed that vote?—A. I think I did.

Cross-int. 75. What were they?—A. We were to meet on the tenth day after the closing of the election, and canvass the election-returns.

Cross-int. 76. That is all you know about the law, is it?—A. That is sufficient, I believe.

Cross-int. 77. Is there anything in the law which makes it incumbent on the clerk of the board to open the envelopes and boxes in which the returns were made?—A. I don't know as the law specifies as to his opening them. It is customary when they are addressed to him.

Cross-int. 78. Where is it customary; in Idaho Territory?—A. I have so understood it.

Cross-int. 79. Have you learned by experience, or have you been told so?—A. By experience, for I saw Mr. White open the envelopes.

Cross-int. 80. Do you understand that seeing a thing done once is a matter of experience in a matter of this kind?—A. So far as I have seen it practiced.

Cross-int. 81. Where have you seen it practiced, and under what circumstances?—A. I have seen Mr. White practice it for one, and supposed that he knew his business.

Cross-int. 82. Who else have you seen practice it?—A. I don't know that I have seen any one else perform that duty.

Cross-int. 83. Is there anything in the law that prohibits any member of the board of canvassers from opening the election-returns?—A. Nothing, if it is addressed to him. The party to whom it is addressed should be the one, I should think.

Cross-int. 84. Is there anything in the law providing whom they shall be addressed to?—A. I think the law provides that they shall be addressed to the county recorder.

Cross-int. 85. Are you sure of that?—A. That is the way I have understood the law.

Cross-int. 86. Does the law say so?—A. I think the law says that within ten days after the polls are closed the returns shall be made out and forwarded to the county recorder.

Cross-int. 87. Where do you find any such law?—A. I would have to appeal to the lawyers.

Cross-int. 88. Does the law provide who shall open the returns?—A. I have stated that a time or two. The parties to whom it is addressed is the one to open them.

Cross-int. 89. Does the law provide who shall open and count the returns?—A. The board of canvassers is the one to count the returns. But as the opening of them, I have given my explanations as I understand them.

Cross-int. 90. Does the law say who shall open and count the returns?—A. I do not know that there is anything in the law that makes it the duty of the commissioners to open the envelopes.

Cross-int. 91. Does the law make it the duty of anybody?—A. It makes it the duty of the clerk, if they are addressed to him, as I understand it.

Cross-int. 92. Does it say so?—A. I don't think it needs to say so; it is plain enough without.

Cross-int. 93. Let us hear what it does say?—A. I consider that a letter addressed to another party I have no right to open.

Cross-int. 94. Does the law provide who shall open and count the election-returns?—A. I don't know what better answer I can give than I have already given.

Cross-int. 95. What is your answer to that question?—A. That board of canvassers have a right to canvass the election-returns when they are presented to them.

Cross-int. 96. Do you mean that they have a right to under the law?—A. I so understand it.

Cross-int. 97. What do you understand by the word canvass?—A. To number the votes; to count the number of votes.

Cross-int. 98. Do you not also understand that the board of canvassers have the right to open the returns when they are handed to them by the clerk and represented by him to be the election-returns?—A. I presume they would have the right.

Cross-int. 99. Would it not be their duty?—A. I presume it would if they had permission of the clerk.

Cross-int. 100. Did not the clerk give you permission to open that box?—A. I presume it would be taken in that light by some.

Cross-int. 101. Did you not so understand it at the time?—A. No, sir; I did not.

Cross-int. 102. What did the clerk say to the board, or to you as a member of the board, in regard to the box in question?—A. You can open it if you wish, but I shall not.

Cross-int. 103. Did the clerk tell you what it contained?—A. Nitro-glycerine, I believe. I recollect a bystander say, instead of White, that it might contain that.

Cross-int. 104. You swear that the clerk told you that it contained nitro-glycerine, do you?—A. No, sir, no; it was joked about at the time.

Cross-int. 105. We have your own word in your last answer that the clerk gave you an unqualified permission to open that box. Now, if you will tell why you did not open it, I will be very much obliged to you.—A. From the fact that I considered that it was the clerk's business to open it, and not mine.

Cross-int. 106. Why did you consider it the clerk's business?—A. From the fact that I considered that as a part of the clerk's office duty.

Cross-int. 107. Did you not consider that the law would authorize you as a member of the board of canvassers to open it?—A. I did not so understand the law.

Cross-int. 108. Do you know anything about the law at all?—A. I am not as well acquainted with it as I ought to be, perhaps, or might be.

Cross-int. 109. Did you not have some ulterior motive in refusing to open that box?—A. I don't know that I did.

Cross-int. 110. Did you know the result of the election in the precinct from which that box purported to come?—A. I can't say that I did.

Cross-int. 111. Do you know how many votes were cast there for Mr. Fenn?—A. No, sir; I do not.

Cross-int. 112. Do you know how many were cast for Mr. Bennett?—A. No, sir; I do not.

Cross-int. 113. At the canvass of the votes, what part of the duty did you perform?—A. I merely looked on to see that it was done correctly to the best of my knowledge.

Cross-int. 114. What part of the duty did Mr. Daniels perform?—A. He read off the numbers of the votes.

Cross-int. 115. What part did Mr. White perform?—A. He copied the numbers of votes as they were given.

Cross-int. 116. Who did you look at, Mr. Daniels or Mr. White?—A. I looked at both as well as I could.

Cross-int. 117. Did Mr. Daniels read the names and numbers off correctly, so far as you could see?—A. I think he did.

Cross-int. 118. Did Mr. White copy them correctly, so far as you noticed him?—A. I could not see anything to the contrary.

Cross-int. 119. Were you a candidate at that election?—A. Yes, sir.

Cross-int. 120. For what office?—A. Commissioner.

Cross-int. 121. Is not that the real reason why you objected to opening that box?—A. No, sir; I am positive of that.

Cross-int. 122. Did not your opponent have a majority over you at the Malad precinct?—A. I could not say.

Cross-int. 123. Did you not hear it whispered around that he had?—A. No, sir; but to the opposite.

Cross-int. 124. Have you ever traveled the road between Oxford and Marsh Valley?—A. Yes, sir.

Cross-int. 125. How far is it called from Nine-Mile Creek to Watson's Station—the stage station?—A. I could not say; I never went farther north than Nine-Mile.

Cross-int. 126. Do you not know why that creek was designated as Nine-Mile Creek?—A. I have understood the reasons why; it was because it was nine miles from Oxford.

Cross-int. 127. How far is it called from Oxford to Watson's?—A. I have heard it called fifteen miles.

Cross-int. 128. Have you not heard it called twenty miles?—A. I don't know that I ever did.

Cross-int. 129. Do you know how far it is from Nine-Mile Creek to Marsh Creek crossing?—A. I do not know where Marsh Creek crossing is, unless it be at Watson's. I don't know how far it is.

Cross-int. 130. Do you know all the candidates that were running for Delegate to Congress at the election of November 3, 1874?—A. I am not personally acquainted with any of them.

Cross-int. 131. Do you know the names of any of them?—A. Yes, sir; S. S. Fenn, T. W. Bennett.

Cross-int. 132. Was there not a candidate running by the name of Hon. S. S. Fenn?—A. Not that I know of.

Cross-int. 133. How do you know S. S. Fenn was running as a candidate for Delegate to Congress?—A. Because he was chosen by the people.

Cross-int. 134. How do you know he was chosen?—A. I was there when he was chosen.

Cross-int. 135. Where?—A. At a convention held at Soda Springs.

Cross-int. 136. What date was that convention?—A. I do not recollect, but I think it was some time in November.

Cross-int. 137. About what time in November?—A. Somewhere about the 19th or 20th. The convention was held about the 20th of September.

Cross-int. 138. How was Mr. Fenn chosen?—A. He was chosen by the delegates sent by the different precincts to represent the people.

Cross-int. 139. Who was chairman of that convention?—A. Robert Williams.

Cross-int. 140. Was that held for the purpose of nominating a candidate for Delegate to Congress?

Examination adjourned until to-morrow, Tuesday, February 16, 1875, at 10 o'clock a. m.

TUESDAY, *February 16, A. D. 1873.*

Cross-examination of George Lake resumed:

A. In answer to interrogatory 140, propounded on yesterday, I answer no, sir. I wish to convey that it was the expression of the people or the delegates there collected, in favor of S. S. Fenn.

Cross-int. 141. Was that a democratic or republican convention?—A. Democratic, as I understood it.

Cross-int. 142. Was it not a Mormon convention?—A. There were different sects and parties there collected.

Cross-int. 143. Were there any others in that convention but Mormons?—A. Yes, sir; I think there were.

Cross-int. 144. How many were there that were not Morimons?—A. I could not say, as they were mostly strangers to me.

Cross int. 145. Did that convention select Mr. Fenn as their candidate?—A. I so understood it, in case that John Hailey declined to accept.

Cross-int. 146. Supposing Mr. Fenn declined to accept, what were you going to do then for a candidate?—A. I presume that the delegation held at Boise City would have decided in the matter.

Cross-int. 147. Then I understand you to say that the delegation at Boise had all to do with it?—A. I presume they had, as there were representatives from the different counties.

Cross int. 148. Did the delegation, as you call it, in Boise select a candidate?—A. I could not tell what course they pursued.

Cross-int. 149. How do you know that Mr. S. S. Fenn was a candidate?—A. From the fact that his name was on the people's ticket.

Cross-int. 150. Is that the only way you know?—A. Yes; further than by report.

Cross-int. 151. Was his name written or printed on the people's ticket?—A. I do not recollect.

Cross-int. 152. How many tickets did you see; any more than you voted?—A. I saw a number, but I did not examine any but the one I voted.

Cross-int. 153. You say that S. S. Fenn is known as Hon. S. S. Fenn. How do you know that?—A. I have known of his being addressed in such, and so spoken of.

Cross-int. 154. Do you know of your own knowledge that S. S. Fenn and Hon. S. S. Fenn is the same man?—A. I am not acquainted with him, consequently could not say. I do not know.

Cross-int. 155. Do you know personally any persons by the name of S. S. Fenn or Hon. S. S. Fenn?—A. No, sir; I do not.

Cross-int. 156. During your residence in Idaho Territory, in which portion of the Territory have you resided?—A. Oxford, Oneida County.

Cross-int. 157. Do you know in which portion of the Territory Mr. S. Fenn resides?—A. No, sir.

Cross-int. 158. Did you ever hear of such a man before last September as Mr. S. S. Fenn?—A. Yes, sir; I think I have heard him spoken of.

Cross-int. 159. Have you ever seen S. S. Fenn or Hon. S. S. Fenn?—A. No, sir.

GEO. LAKE.

Deposition of E. J. Davis.

E. J. DAVIS, being duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—A.



swer. E. J. Davis; aged forty-eight years; reside in Malad City, Idaho Territory.

Int. 2. How long have you resided in Idaho Territory? What county office, if any, did you hold in Oneida County in 1874?—A. Nine years. Assessor.

Int. 3. How many years have you been assessor of Oneida County?—A. Seven years, I believe.

Int. 4. How often do the duties of that office require an assessment of all the property, real and personal, in the county?—A. Yearly.

Int. 5. In performing the duties of that office, was it or was it not your custom to travel through the county in making your assessments?—A. I traveled, of course; not all of the county. Would sometimes not see the parties, and would send them papers to fill out.

Int. 6. How far north on the stage-road to Montana have you traveled in performing the duties of that office?—A. About two hundred and thirty miles from Malad City, as near as I can calculate.

Int. 7. Do you know where Ross Fork, Eagle Rock, Blackfoot, Market Lake, and Pleasant Valley are? If so, state where.—A. I know where they are. We claim them to be in Oneida County, Idaho Territory. There is a doubt about some of them being in Oneida County.

Int. 8. Give their distances from Malad City, as near as you can, in the order in which they are situated in respect to distance?—A. Ross Fork, about eighty miles; Blackfoot, ninety or ninety-two miles; Eagle Rock, near one hundred and thirty miles; Market Lake, about one hundred and fifty miles; Pleasant Valley, about two hundred and twenty miles.

Int. 9. How many of these places are on the north side of Snake River?—A. Market Lake, Pleasant Valley, and Eagle Rock.

Int. 10. Where are the precincts of Eagle Rock, Market Lake, and Pleasant Valley?—I don't know the bounds or lines.

Int. 11. What is the character of the country from Ross Fork to Pleasant Valley?—A. It is a very level country. We ascend gradually until we reach Pleasant Valley.

Int. 12. Are these places on the stage-road running from Malad City to Montana or not?—A. Yes.

Int. 13. Did you become acquainted with the people living in the vicinity of these places?—A. Partly. I know a great many there.

Int. 14. How many people, aside from Indians, are residing in that section of the country?—A. I couldn't say the number. It is thinly settled in proportion to the area of country. There are a good many there, take them of every kind.

Int. 15. Look now at this paper marked "Exhibit C," and point out the names thereon that you know, either personally or by reputation, to have been residents of Oneida County during the year 1874, previous to the election of November 3.

(Witness looks at Exhibit C.)

A. T. Livingston, J. C. Livingston. J. C. Kirk is a freighter. He sometimes stays in Corinne and sometimes in this county. He is on the road. I believe that last winter he staid in Corinne. I believe that he does not claim any particular place of residence. Kon Kohrs, Thomas Hoban, E. W. Drew, if he is with Kon Kohrs. I know him by sight. He is a herder. C. Webster, T. Lowder, A. R. Wright, John Stephens, C. Hustis, William Osborne. These last four, I think, were from Bear Lake. E. J. Davis. There are several stock-tenders on the paper, but I do not know their names. There is one on there I know, F. H. White; William Garland and August Ruthing. I know of several more, but

could not swear as to their names. There were some from Oxford, E. Anderson. Those are about all that I can be sure of the names. I think Henry Suttroff is a stock-tender at Eagle Rock Station.

Int. 16. Were you at the polls at that place all day or not?—A. I was around all day, but not constantly at the polls; was back and forth the way people do generally.

Int. 17. Did you see a number of persons voting that you were acquainted with?—A. Yes; I saw a number that I was not personally acquainted with. I had seen them up and down the valleys; knew their faces.

Int. 18. Did you see any voting at the polls that you did not know their faces?—A. I couldn't exactly tell. I decline to answer it because I do not consider it a very good question.

Int. 19. What was your business at that precinct on the day of election?—A. I had no particular business there; I could be there as well as anywhere else.

Int. 20. I understand you to say, then, that you merely happened to be at that place on election-day?—A. That is so.

Int. 21. What is the business of Mr. Kon Kohrs?—A. I don't know.

Int. 22. Whereabouts did he reside in Oneida County in 1874?—A. About twenty miles west of Ross Fork, the other side of Snake River.

Int. 23. How long had he been residing at that place before election?—A. I could not exactly say; but he has paid his taxes for two years there.

Int. 24. Where in Oneida County did C. Webster reside, and how long before the election?—A. He resided in Montpelier two years to my knowledge.

Int. 25. Where, and how long before election, did W. E. Anderson reside in Oneida County?—A. If he is the man from Bear Lake, which I think he is, he has resided there two years.

Int. 26. Where, and how long before election, did A. R. Wright reside in Oneida County?—A. Six or seven years, at Bennington.

Int. 27. The other names on that exhibit you do not know, I understand you to say, to have been residents of Oneida County previous to the election of November 3, 1874?—A. I think I said that I did not know them personally; that I knew their faces, the most of them.

Int. 28. How many did you know by their faces that you saw at the polls at that place on that day, but whose names you do not know?—A. I could not answer that question; I kept no memorandum. I knew a good many.

Int. 29. Were there as many as six?—A. There was.

Int. 30. Were there as many as ten?—A. I couldn't say.

Int. 31. Look now at Exhibit D, and designate those whose names appear on the list contained in that exhibit who you know were residents in Oneida County prior to November 3, 1874.

(Witness looks at exhibit.)

A. John Ripley, G. W. Bailey; I think William Farland is a stock-tender there; T. W. Wright, Peter Kelly, James Bailey, O. Buck, Joseph Mantle, J. W. Bernard, A. Stoner, George Phelps, C. R. Dilley, J. Burke, Richard May. There is a Jones tending stock at Cedar Point. I am not sure whether this Chris. Jones is the one or not; I think it is. I don't know that I can recognize any more by their names. Yes, there is J. C. Anderson, C. W. Lyons, Albert Lyons.

Int. 32. How long and where did W. Farland reside in Oneida County previous to the election?—A. I could not say; he was working around Anderson's.

Int. 33. How large a settlement is there in the neighborhood of Eagle Rock?—A. There are several, I cannot tell how many families, scattered around, in settlements of three or four houses each.

Int. 34. In what business are the people of that vicinity generally engaged?—A. Generally stock-raising, some few farming.

Int. 35. Look now at this exhibit marked "E," and designate the persons whose names appear on the list therein contained who have resided in Oneida County in 1874, prior to November 3d of that year.—A. Abraham Buck, I think; L. H. Harkness, Lee Mantle; C. L. Brown is a freighter, he wintered at Ross's Fork last winter; Frank Levan, J. Dille, James Mendenhall, George Lewis; George Sweet, has a train on the road; H. O. Harkness. I don't know that I would recognize any more by the names. M. M. Downie; I know a Howard; he is a stock-tender there. I know a man by the name of Dun; don't know whether Alexander is his name or not. Benjamin Levan; I know some Hunts there; yes, I know Alexander Hunt. James Wheeler; I couldn't say whether his name is James or not. I know a man named Blake; whether his name is Jim or not, I do not know.

Int. 36. What is the character of the country in the vicinity of Pleasant Valley?—A. Close to Pleasant Valley it is mountainous.

Int. 37. How much of a settlement is there at Pleasant Valley?—A. At Pleasant Valley proper there is but one house and family. It is a horse-station, the head of the division on the stage-road. There are a good many people there, because the stage-drivers from both ways meet there.

Int. 38. Do you know where the boundary-line between Alturas and Oneida Counties runs?—A. No.

Int. 39. Do you know of any settlements in the vicinity of Pleasant Valley?—A. I know of several ranches around.

Int. 40. About how many?—A. About six or seven.

Int. 41. How far do you go from Pleasant Valley to include these six or seven ranches?—A. Somewhere about fifty miles, taking it all around.

Int. 42. Look now at this exhibit marked "F," and designate the names of the persons therein contained whom you know to have been residents of Oneida County in the year 1874 prior to November 3d of that year.—A. F. S. Stevens, Robert Brown, P. W. Boqua, William Van Gaskin. I think I know, but can't state positively, James McCutcher, Joseph Warren, David W. Bowie, J. B. Hocker, William Cogan, Hugh Travis, Leon Misslin, Peleg Wood, Presto Burrell, John Garrett. There was a man named Hayes working there around the fort. I don't know him. F. M. Shoemaker, Charles Higham, John Misslin, James Oliver, E. D. Ray, Mike Fisher.

Int. 43. Did any of these whose names you have mentioned on this list reside in Oneida County less than four months prior to the election?—A. There are one or two of them, stock-tenders, that may not have lived there all the time; they are up and down the road. I don't think there are over two or three but that have lived there all the time.

Int. 44. Look now at Exhibit G, and indicate the names of the persons therein contained whom you know to have resided in Oneida County in 1874 prior to November 3d of that year.—A. James Anderson, W. N. Shilling, William McKay, Fred Saulisberry, John Heenan, James A. Dempsey, George W. Hawkins, R. G. Evans. Moses Riggles, I think, is the doctor at the fort; William McCrea, Thomas Ferguson. I know a McCarty, whether John or Joe, I can't tell; Thomas Donaldson, M. R. Magee, P. O. Matthews, J. D. Baker, C. L. Hogan,

E. M. Quimby, S. G. Fisher, A. T. Stout, J. N. High. I know a man named Bell, I do not know his initials. Benjamin F. Potter. I know a man named McNemorrow, from Gentile Valley; whether this one named William is the one or not, I cannot say. Thomas Bolingbroke, O. Wright, John A. Norton, A. Farrington, John Pocatillo, William Jones. I know a man named Taylor; he wintered at Pocatillo last winter. Whether the Benjamin Taylor named therein is the one or not, I cannot say. I know a man named Gebson around the fort there; don't know his first name. James Freeman. I know a Johnson there; don't know his first name. I know a man named Lewis; don't know his first name. J. Williams, M. Tobey, ——— Vrelin, James McLaughlin, William Kelly, Andrew Rader, James Morris.

Int. 45. How large a settlement is at Ross Fork?—A. It is an Indian reservation. Lots of men around there. Very few private families there, two or three.

Int. 46. Are there any settlements in the vicinity of Ross Fork; if so, how large are they, and what are the distances from that place?—There are several cattle-ranches in the vicinity of thirty or forty miles around. Some small settlements of three or four houses each along the rivers of Snake, Port Neuf, and Blackfoot.

Int. 47. How many families altogether within the limits you have described are there?—A. About eighteen or twenty.

Int. 48. How far is it from Nine-Mile Creek to the crossing of Marsh Creek, formerly Burnet's store or place?—A. I should call it between six and seven miles.

Int. 49. Are you acquainted with the boundaries of Marsh Valley precinct?—A. I am not.

Int. 50. Look now at the boundaries of Marsh Valley precinct, as described in Exhibit A, and state whether, from your knowledge of the country, you will know, substantially, the limits of Marsh Valley precinct from the boundaries as laid down in that order of the county commissioners establishing the boundaries.—A. (Witness examines Exhibit B.) I could not designate, only by the east line. I also identify the southern boundary from the description in this exhibit.

Int. 51. Which is the more convenient point for the people of Marsh Valley precinct, so far as you are able to determine its limits, for voting at Nine-Mile Creek or the crossing of Marsh Creek?—A. There is but very little difference, I should think. If Harkness is in the precinct, the most convenient place would be at the Marsh Creek crossing.

Int. 52. Around which of those two places is the largest number of people?—A. They are about equally divided.

Int. 53. State what candidate for Delegate to Congress you supported at the last election.—A. My feelings were with Bennett; still, when people asked me, I told them to take their own choice; that that was not our fight particularly.

Cross-examination:

Cross-int. 1. Are the precincts of Ross Fork, Eagle Rock, Blackfoot, Market Lake, and Pleasant Valley so located that the main travel thoroughfare between the Central Pacific Railroad and Montana passes directly through all of them?—A. Yes.

Cross-int. 2. Are there not a large class of men in this country who habitually follow the business of freighting for a livelihood, and who have no fixed place of abode?—A. Yes; a great many.

Cross-int. 3. About how many of that class of men should you estimate to have been on the road and within the limits of the precincts named

on election-day, the 3d of November last ?—A. I should say that there was at least four hundred or five hundred men on the road at that time. That is the time when the heaviest freighting is done.

Cross-int. 4. Are there not also a large number of the people of Oneida County who follow freighting for a livelihood between the railroad and Montana, many of whom were also on the road at that time, and within the limits of the precincts named ?—A. Yes; very many.

Cross-int. 5. Now state why there were so many freighters on the road at that time within the space named.—A. There were two causes. Freight got to be at a good price; then it turned stormy weather, so that teams had to lay over a great deal after they started out. That was the cause of so many laying by; they could not go over the range.

Cross-int. 6. At what point do a large proportion of those freighters always winter ?—A. Ross Fork, Pocatillo, and the Port Neuf, in Oneida County, when they can get back there; it is the best winter range in the country.

Cross-int. 7. Of what class of people is the population of the precincts named mostly composed, families or single men ?—A. There are far more single men than families.

Cross-int. 8. What are they occupied in mostly ?—A. Mostly, I should say, were freighters and herders; a large proportion.

Cross-int. 9. Was there not at the date of the election a large force of men engaged in cutting timber for the military post in the mountains at the head of Ross Fork, and within Ross Fork precinct ?—A. There were a great many men hauling wood to the post, and many in Ross Fork Cañon, as it is called.

Cross-int. 10. What were the local issues in Oneida County at the election of November 3, 1874; between republicans and democrats, or between any other parties ?

(Objected to by counsel for contestant on the ground of irrelevancy.)

A. It was Mormon and anti-Mormon. There was no politics in it; it was against the church.

Cross-int. 11. Was there or was there not an unusual bitterness of feeling existing on both sides ?—A. There was, to an extreme, on both sides.

Cross-int. 12. How far did you know of men traveling on election-day to have the opportunity of casting their vote against the Mormon priesthood ?—A. From thirty-five to forty miles. I know of several.

Cross-int. 13. As assessor, are you not also collector of all per-capita taxes in Oneida County ?—A. Yes.

Cross-int. 14. State, as near as you can, what proportion of the per-capita taxes collected in Oneida County in 1874 was collected within the limits of the precincts named.—A. About one-third, as near as I can now think.

Direct resumed :

Int. 1. How many per-capita taxes did you collect in 1874 ?—A. About 300, or a little over.

Int. 2. On what basis do you make your estimates that there was between 400 and 500 freighters within the limits of those precincts at the time of the election in November last ?—A. From personal observation, and traveling back and forth at the time; there being an unusual number of teams on the road made me think about it.

Int. 3. Did you make any count ?—A. No, sir.

Int. 4. How do you know there were any persons at the time of the election engaged in cutting wood at the head of Ross Fork, or in that

vicinity?—A. My business called me to the post. I found the man Hockes, with whom I was acquainted, with six or seven more men with him, piling the wood up. I got the information from him, he being contractor.

Int. 5. How long was this after the election?—A. It was two or three days before the election.

E. J. DAVIS

Adjourned until to-morrow, Wednesday, February 17, 1875, at 10 o'clock a. m.

Deposition of Robert T. Bush.

WEDNESDAY, February 17, A. D. 1875

ROBERT T. BUSH, being duly sworn, testified as follows:

(B. F. White, esq., here enters his appearance generally for T. Bennett, the said contestee.)

Interrogatory 1. What is your name, age, and place of residence?—Answer. Robert T. Bush; aged, thirty-nine years; reside in Malad City, Oneida County, Idaho Territory.

Int. 2. State whether you had any official position in Malad precinct in connection with the election of November 3, 1874? If so, what?—I had. I was one of the clerks of election.

Int. 3. State from whom you received your appointment as such clerk?—A. Caleb Jones.

Int. 4. What official position was Caleb Jones holding at that time in Oneida County?—A. I believe he was county clerk; I wouldn't be positive. That was what I thought he was.

Int. 5. Where was the election held in Malad precinct?—A. In Josephite meeting-house.

Int. 6. Is that house also sometimes called the school-house?—A. I believe it is.

Int. 7. Who were the judges and the other clerk in that precinct at that election?—A. Mr. Bolinbroke, Mr. Jones, Mr. Bradshaw, and Mr. Thomas—Griffith Thomas; he was clerk.

Int. 8. At the close of that election did you with the other officers make a canvass or a count of the vote for Delegate to Congress?—A. We did.

Int. 9. Who were the persons voted for for Delegate to Congress, and how many votes did each receive?—A. Bennett and Fenn; I don't know their given names. I do not know how many each received.

Int. 10. How many votes were cast altogether in that precinct for Delegate in Congress, as nearly as you can remember?—A. Somewhere near one hundred, more or less.

Int. 11. Of that number, as near as you can recollect, how many did Fenn receive?—A. I think there was nearly one-half to the number that he was; I don't know the number exactly.

R. T. BUSH

Deposition of Griffith Thomas.

GRIFFITH THOMAS, being duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer

Griffith Thomas; aged fifty-five years; reside in Malad City, Oneida County, Idaho Territory.

Int. 2. What official position, if any, did you hold at the election of November 3, 1874, in Malad precinct?—A. I was one of the clerks.

Int. 3. Did you, with the other officers holding the election in that precinct, make a canvass or count at the close of the election of the votes cast for Delegate to Congress?—A. Yes, sir.

Int. 4. Who were the candidates voted for for Delegate to Congress?—A. Fenn and Bennett.

Int. 5. How many votes, as near as you can recollect, were cast in that precinct for Delegate to Congress?—A. Something like eighty votes.

Int. 6. Of this number how many, as well as you recollect, did Fenn receive?—A. Something like forty.

Int. 7. What became of the canvass or count that you made?—A. I did fetch one list to the county officers—to the county recorder.

Int. 8. What was done with the other?—A. I believe it is in my box at home.

Int. 9. Have you looked to see whether it is in your box at home or not?—A. I have been searching for it some.

Int. 10. Did you find it?—A. No, I did not find it.

Int. 11. What makes you believe, then, that it is in your box at home?—A. I have been asking Mr. Bolinbroke whether he got it, and he said he did not get it; and I asked the two other judges, and it must be with me or Mr. Bush.

(The examination of said witness adjourned so that he may find one of the poll-books and tally-list.)

Testimony of Griffith Thomas resumed:

Int. 12. Have you searched for the tally-list which you believed you had in your box?—A. Yes, sir.

Int. 13. Have you found it?—A. Yes, sir.

(Tally-list produced by witness.)

Int. 14. Was this the tally-list kept by you of the votes cast for Delegate to Congress and other officers, at the election of November 3, 1874?—A. Yes.

Int. 15. Does this tally-list correctly show the vote cast for the different candidates for Delegate to Congress at that election at that precinct?—A. Yes.

Int. 16. What is that vote, as shown by the tally-list, for Delegate to Congress?—A. Eighty-one.

Int. 17. Of those 81 votes, how many does the tally-list show that S. S. Fenn received, and how many T. W. Bennett received, for Delegate to Congress?—A. S. S. Fenn, 45; T. W. Bennett, 36.

Int. 18. Look, now, at Exhibit H and tell what it is.—A. It is a copy of the tally-sheet, showing the votes for Delegates to Congress in Malad precinct, Oneida County, Idaho Territory.

Cross-examination:

Cross-int. 1. After the close of the canvass at the Malad precinct, in whose charge were the returns placed?—A. In my charge.

Cross-int. 2. Of what did those returns consist?—A. One tally-list and a ballot-box containing, I suppose, one tally-list and the tickets; I don't remember of there being anything else in the box.

GR. THOMAS.

Deposition of Thomas I. Bolingbroke.

THOMAS I. BOLINGBROKE, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—
 Answer. T. I. Bolingbroke; age, sixty-two years; reside in Malad C
 Oneida County, Idaho Territory.

Int. 2. What office, if any, did you hold at the election of November
 3, 1874, in Malad precinct?—A. I was one of the judges at that election.

Int. 3. At what place in that precinct was that election held?—A.
 the Josephite school-house, or meeting-house.

Int. 4. Were you or not one of the judges of the general election
 held in 1872 in that precinct?—A. I was one of the judges in that
 election.

Int. 5. At the close of the election of November 3, 1874, did you, with
 the other officers of that election, make a canvass or count of the votes
 cast for Delegate to Congress in that precinct?—A. I did.

Int. 6. Who were the candidates voted for for Delegate to Congress
 —A. Mr. Fenn and Mr. Bennett.

Int. 7. How was the canvass or count of the vote made?—A. I called
 the names and the two clerks kept the tally.

Int. 8. Did each clerk keep a separate tally or not?—A. They did
 they each had a separate sheet.

Int. 9. Were there any returns made out of the votes cast for the
 general candidates voted for separate from the tally-sheets kept by
 clerks?—A. Not that I am aware of.

(See note at close of witness's testimony.)

Int. 10. What became of those tally-sheets and those returns?—
 One was handed to Griffith Thomas; but who had the other I can't
 remember.

Int. 11. What was Griffith Thomas instructed to do with one handed
 to him?—A. He was instructed to hand it to the county recorder, I
 believe.

Int. 12. How many votes, as near as you recollect, were cast for
 Delegate to Congress in that precinct in that election?—A. I believe
 the whole vote for Delegate to Congress was 87.

Int. 13. Of these votes, how many did Fenn receive?—A. I believe
 was 41 or 42; can't positively say. I know there was but very little
 difference in the vote.

Cross-examination:

Cross-int. 1. When you say that you called the names and the clerks
 kept the tally, what do you mean by calling the names?—A. One of
 judges would hand me a ticket out of the box; at the head of that ticket
 there might be, probably, S. S. Fenn. I would call the name, S. S. Fenn,
 and the clerks would tally; I would go on to the next name, and so
 through the ticket. That is what I mean by calling the names.

Cross-int. 2. You simply read the names from the tickets, did you
 not?—A. I did so.

Cross-int. 3. What makes you believe that there were returns made
 out from Malad precinct separate from the tally-list?—A. I believe
 was made out in this way: that every candidate's name was taken
 down on that list and the number of votes set opposite his name.

Cross-int. 4. What makes you believe that?—A. I believed that
 thinking that those were the returns you had reference to.

Cross-int. 5. You understand, now, do you not, what a tally-sheet
 is?—A. Yes, sir.

Cross-int. 6. Were there any other returns made separate from the tally-sheet?—A. Not that I am aware of.

Cross-int. 7. When you got through with those tally-sheets, after the canvass was over, what did you do with them?—A. We put one of them into a box with the tickets that were voted, sealed that box up, and handed it to Griffith Thomas, one of the clerks. That is as far as I can trace it.

Cross-int. 8. What was Mr. Thomas instructed to do with that box?—A. He was instructed to bring it to the county recorder's office and deliver it.

Cross-int. 9. Do I understand you to say that that box contained the ballots or tickets that were deposited in the ballot-box by the voters of Malade precinct at that election?—A. That box that was delivered to Griffith Thomas contained the ballots or tickets at that election.

Cross-int. 10. Was that box and its contents the only return made of the election at Malad precinct?—A. The only return that I had anything to do with.

T. I. BOLINGBROKE.

NOTE.—Upon reading over the evidence to said witness he stated that he misunderstood interrogatory 9, and corrected his answer, "There was," to "Not that I am aware of."

Deposition of Morgan Morgan.

MORGAN MORGAN, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer. Morgan Morgan; aged thirty-five years; reside at Two-mile Creek, near Malad City, Oneida County, Idaho Territory.

Int. 2. What official position, if any, did you hold in Oneida County in 1874?—A. Sheriff of Oneida County.

Int. 3. How long were you sheriff of Oneida County?—A. About eight years.

Int. 4. State whether you posted notices of the election of November 3, 1874, in any of the precincts of Oneida County. If so, what ones?—A. No, sir; none of them. I did not post any notices.

Int. 5. State whether, in performing the duties of your office, you have become pretty well acquainted with the residents of Oneida County.—A. No; there are a good many that I am not acquainted with. I am acquainted with a good many.

Int. 6. State whether you have been over the road from Malad City to Pleasant Valley.—A. I have.

Int. 7. State whether or not you are pretty well acquainted with the residents of the precincts of Ross Fork, Blackfoot, Eagle Rock, Market Lake, and Pleasant Valley.—A. Those living right along the road I am pretty well acquainted with.

Int. 8. Look now at this exhibit marked C, and indicate the names of the persons therein contained, whom you know to have been residents of Oneida County prior to November 3d, 1874.

(Exhibit C shown witness.)

A. F. Peck, S. Lowder, A. R. Wright. I know a man named Ray, but don't know whether his name is William or not. E. J. Davis, J. Brown, John McKay, O. Ferguson.

Int. 9. Look now at Exhibit D and indicate the names of the persons therein contained whom you know to have been residents of Oneida County prior to November 3, 1874.

(Exhibit D shown witness.)

A. T. W. Wright, Joseph Mantle, A. Stoner. I know a Warren there but don't know whether his name is Samuel or not, or whether his name is Jacob or not; J. C. Anderson, Richard May. I know a man named Burke, but don't know whether his initials are A. J. or not.

Int. 10. Look, now, at Exhibit E, and indicate the names of the persons therein contained whom you know to have been residents of Oneida County prior to November 3, 1874.—A. M. M. Downie, L. H. Harkness, Lee Mantle. I know a Lavan, a freighter; I guess it is Frank. I know two brothers Lavan. George Lewis, William Jones, H. O. Harkness.

Int. 11. Look, now, at Exhibit F and indicate the names of the persons therein contained whom you know to have been residents of Oneida County prior to November 3, 1874.

(Exhibit F shown witness.)

A. F. S. Stevens, James McTucker, Joseph Warren, J. B. Hoch, Hugh Travis, Presto Burrell, John Garrett, F. M. Shoemaker, Chas. Higham, John Messlin. I know a Fisher there, but can't state his given name.

Int. 12. Look, now, at Exhibit G and indicate the names of the persons therein contained whom you know to have been residents of Oneida County prior to November 3, 1874.

(Exhibit G shown witness.)

A. James Anderson, W. N. Shilling, William McKay, R. G. Evans, Thomas Ferguson, Thomas Donaldson, E. M. Quimby. I know a man named Fisher; don't know whether his initials are A. J. or not. J. L. High, Thomas Bolingbroke, Jim Davis, George Adams, M. Toby.

Int. 13. Do you know of any one posting notices in any of the precincts of Oneida County, of the election of November 3, 1874?—A. No; I can say I do.

Cross-examination:

Cross-int. 1. How long did you say you had been sheriff of Oneida County?—A. I said eight years.

Cross-int. 2. During those eight years how many elections have been held in Oneida County?—A. I don't remember of but three.

Cross-int. 2½. At either of those three elections have you ever yourself posted any notices of election at all?—A. No, sir.

Cross-int. 3. How many deputies did you have at or before the 3d of November, 1874?—A. Three or four.

Cross-int. 4. Name them.—A. E. J. Davis, C. P. Jones, Richard Thomas, William H. Jones, W. P. Jones.

Cross-int. 5. Were you not away from home on official duties at election-time?—A. Yes, sir.

Cross-int. 6. Have you ever had a fixed place for the sheriff's office?—A. I never had an office furnished me.

Cross-int. 7. What has been the custom whenever there has been business to do with the sheriff and you were not present?—A. My deputies would attend to it.

Cross-int. 8. How far do you live from Malad City?—A. Two miles.

Cross-int. 9. How often are you in town generally?—A. Sometimes every day and sometimes once a week when I am at home.

Cross-int. 10. Do you know whether or not any of your deputies posted notices of election for the election of November 3, 1874?—A. I do not.

Cross-int. 11. Might they not have done so and you not know it?—
A. Yes.

Cross-int. 12. How many times have you been over the road leading from Malad City to Pleasant Valley, during the last eight years which you have been sheriff?—A. Three or four times.

Cross-int. 13. How many times have you been over that road during the year, 1874?—A. Two or three times about half-way.

Cross-int. 14. In traveling half-way, how far did you get; that is, to what precinct?—A. I don't know the divisions of the precincts exactly; I should say Blackfoot.

Cross-int. 15. In going as far as Blackfoot precinct, did you pass through the precincts of Eagle Rock, Market Lake, or Pleasant Valley?—A. No, sir.

Cross-int. 16. How many times during the year 1873 did you pass over the road from Malad City to Pleasant Valley?—A. I don't remember that I passed over it any time.

Cross-int. 17. How many times, if any, did you pass over the road from Malad City to Pleasant Valley during the years 1871 and 1872?—A. Two or three times.

Cross-int. 18. When you visit that part of the county how do you usually travel; by what mode of conveyance?—A. By coach and on horseback.

Cross-int. 19. When you travel in the coach do you travel night and day or otherwise?—A. I travel night and day.

Cross-int. 20. How often does the coach stop?—A. Every ten or fifteen miles.

Cross-int. 21. How long do they stop at each place?—A. From five minutes to half an hour.

Cross-int. 22. How far is it from Malad City to Pleasant Valley?—A. It is generally called about two hundred miles.

Cross-int. 23. During the last eight years in which you have been sheriff, have your duties as such given you better facilities of becoming acquainted with the voters of the precincts of Ross Fork, Blackfoot, Eagle Rock, Market Lake, and Pleasant Valley over those had by any other person not an officer?—A. No, sir.

MORGAN MORGAN.

Deposition of Thomas Daniels.

THOMAS DANIELS, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer. Thomas Daniels; age, forty four years; residence, Malad City, Oneida County, Idaho Territory.

Int. 2. What county office, if any, did you hold in Oneida County in 1874?—A. County commissioner.

Int. 3. State whether as such commissioner you assisted in making a canvass of the returns in different precincts in Oneida County of the election in November of that year?—A. Yes.

Int. 4. State why, in making out the abstract of the votes for Delegate to Congress, you placed the votes, other than those returned for T. W. Bennett in the precincts of Paris and Clifton, under a column headed Hon. S. S. Fenn?—A. If it was S. S. Fenn, I called it out so. If it was Hon. S. S. Fenn, I called it out so.

Int. 5. Who read off the returns at that canvass?—A. I did.

Int. 6. Who made out the abstract?—A. Mr. White.

Int. 7. Was there any discussion at that canvass as to whether S. S. Fenn was the same person as Hon. S. S. Fenn?—A. I don't remember that there was.

Int. 8. I understand you to say, then, that the abstract was made and appears now, by the clerk, Mr. White, as you read off the returns, that correct?—A. Yes, sir.

Int. 9. Did you examine to see, before you certified to that abstract, whether the returns for Delegate to Congress were placed in two columns or three?—A. If I remember right, opposite the Clifton and Paris returns, Hon. was written opposite the name of S. S. Fenn.

(Exhibit B shown witness and he explains how, &c.)

There were originally two columns, one headed Thos. W. Bennett, the other headed S. S. Fenn. The two precincts of Paris and Clifton showed Hon. S. S. Fenn and the balance S. S. Fenn. The figures 167 and 168 were in the column headed S. S. Fenn, with the words Hon. S. S. Fenn written just before them in the same column.

Int. 10. How, then, did these figures become transferred to another column headed Hon. S. S. Fenn?—A. In looking over the canvass, I went to Mr. White, I thought probably we might make an abstract for S. S. Fenn and for Hon. S. S. Fenn. The idea was just to make it exactly what it was, and if there was any controversy in Boise, that we might be able to rectify it here.

Int. 11. Do you know what the letters hon. stand for?—A. Honorable, I believe.

Int. 12. Is or is not that a title prefixed to names of individuals who have occupied certain public positions?—A. I understood it so.

Int. 13. Did you suppose, in making that canvass, that Hon. S. S. Fenn was a different person from S. S. Fenn?

(Objection by counsel for contestee on the ground that witness cannot testify to any supposititious state of affairs.)

A. I did not pay much attention to that. My idea was to make correct returns.

Int. 14. Have you heard of more than one S. S. Fenn in Idaho Territory?—A. I don't remember that I have.

Cross-examination :

Cross-int. 1. Have you not seen in print both S. S. Fenn and Hon. S. S. Fenn?—A. I don't remember just now.

Cross-int. 2. Have you not heard S. S. Fenn and Hon. S. S. Fenn both spoken of?—A. Yes.

Cross-int. 3. Do you know of your own knowledge whether they were one and the same men or not?—A. I do not.

THOMAS DANIELS

Adjourned to Thursday, February 18, A. D. 1875, at 10 o'clock a. m.

Deposition of L. H. Hatch.

THURSDAY, February 18, A. D. 1875

L. H. HATCH, being first duly sworn, testified as follows :

Interrogatory 1. State your name, age, and place of residence.—Answer. Lorenzo H. Hatch; aged forty-nine years; reside in Frank Oneida County, Idaho Territory.

Int. 2. How long have you resided in Oneida County, Idaho Territory?—A. I have lived in Franklin twelve years.

Int. 3. State whether or not you are acquainted with one S. S. Fenn.—A. Yes, sir.

Int. 4. How long have you been acquainted with him?—A. A little over two years.

Int. 5. State whether or not you know of more than one S. S. Fenn in Idaho Territory, and whether the one you said you are acquainted with is a resident of Idaho Territory.—A. I don't know of but one S. S. Fenn, and he is a resident of Idaho Territory.

Int. 6. State whether he has any title which is prefixed to his name sometimes; and, if so, what that title is.—A. Honorable S. S. Fenn is what I have addressed him when I have written to him.

Int. 7. State whether he has filled any official position which, by the usages of the country, entitles him to be called honorable; if so, what?—A. Speaker of the territorial legislature of Idaho Territory—of the house.

Int. 8. When was this?—A. In the session of the winter of 1872-'73.

Int. 9. State for what office, if any, this S. S. Fenn, whom you have mentioned, was a candidate for before the people of Idaho Territory at the election of November 3, 1874.—A. Delegate to Congress.

Int. 10. State whether he was nominated for that office by any party; if so, what party?—A. The democratic party.

Int. 11. State who procured tickets for Oneida County for the election of November 3, 1874.—A. I procured them—the democratic ticket.

Int. 12. State whether those tickets were printed with all the various names of the candidates upon them, or were there blanks left?—A. There were two blanks left, if my memory serves me right.

Int. 13. What were those blanks?—A. Delegate to Congress and territorial prosecuting attorney.

Int. 14. Under whose instruction and direction were those blanks filled, and how were they instructed to be filled?

(Objected to by counsel for contestee on the ground of irrelevancy.)

A. The delegates that were sent to Soda Springs authorized me to fill them up. If John Hailey would accept the position as Delegate his name was to be inserted; if not, S. S. Fenn's name was to fill the blank. I instructed William Budge to insert the name of S. S. Fenn for the office of Delegate to Congress.

Int. 15. Were or not these tickets distributed to the various precincts under your direction?—A. They were.

Int. 16. State who the S. S. Fenn is whose name you directed to be inserted.—A. It is the S. S. Fenn that was speaker of the house at the legislative assembly of the year 1872-'73.

Int. 17. You stated that you addressed this S. S. Fenn as Honorable S. S. Fenn. State now whether you know of his being spoken of, or written about, or addressed by others, as Honorable S. S. Fenn.—A. Yes, sir.

Int. 18. State whether or not he is well known under that title in Idaho Territory.—A. I have never known him under any other title only Stephen S. Fenn.

Int. 19. State whether or not you were a member of the same legislative assembly with him.—A. I was.

Cross-examination:

Cross-int. 1. Do you know of your own knowledge whether there was or was not, at or before the 3d day of November, 1874, a person by the

name of "Hon. S. S. Fenn" living in Idaho Territory?—A. I know that I saw a man that we addressed as "Honorable S. S. Fenn" at Boise City, representative of Nez Perces County.

Cross-int. 2. Do you know whether there was a man by the name of "Hon. S. S. Fenn" living in Idaho Territory?—A. I have never known but one man named S. S. Fenn.

Cross-int. 3. Might there not have been a candidate for Delegate to Congress at the election of November, 1874, by the name of "Hon. S. S. Fenn" and you not have known him either personally or by reputation?—A. I think not.

Cross-int. 4. How did you learn that Mr. S. S. Fenn was a candidate?—A. From my personal acquaintance with him I submitted his name to the democratic convention held at Boise City in 1874.

Cross-int. 5. Were you at that convention personally?—A. I was.

Cross-int. 6. How did you submit his name?—A. By letter to John Hailey, of Boise City.

Cross-int. 7. Was John Hailey a member of that convention?—A. He was empowered by proxy to submit the name of S. S. Fenn himself, or any reliable party that he saw fit to intrust the business with.

Cross-int. 8. Who were those proxies intrusted to?—A. Mr. Ensley to convey to Mr. Hailey.

Cross-int. 9. What did Mr. Hailey do with them?—A. He informed me by letter that he had acted as per instruction that I had given.

Cross-int. 10. What was the result of that action?—A. I was informed by letter from Mr. Hailey that S. S. Fenn was unanimously nominated at the democratic convention for Delegate to Congress.

Cross-int. 11. That is the way you know that Mr. S. S. Fenn became a candidate, is it?—A. That is one way by which I knew; I knew by letters from S. S. Fenn that he was nominated, and by the reports in the Idaho Statesman.

Cross-int. 12. You had letters from Mr. S. S. Fenn, stating that he was a candidate, had you?—A. I had letters from him stating that he was nominated for a candidate to be voted for at the coming election to be held in November last.

Cross-int. 13. Did you have any letters from Hon. S. S. Fenn?—A. I had letters from S. S. Fenn.

Cross-int. 14. Did you have any letters from Hon. S. S. Fenn?—A. The only S. S. Fenn that I am acquainted with is too much of a gentleman to fix the name "honorable" when addressing a friend.

Cross-int. 15. I'll ask you again, did you have any letters from Hon. S. S. Fenn?—A. I had letters from S. S. Fenn that is known as "Honorable S. S. Fenn."

Cross-int. 16. I'll ask you again if you had any letters concerning Delegates to Congress from Hon. S. S. Fenn?—A. S. S. Fenn never addressed me with the prefix of "Hon." affixed to his name.

Cross-int. 17. Did Hon. S. S. Fenn ever address you with "Honorable" affixed to his name?—A. Hon. S. S. Fenn always addressed me as "Benjamin L. Hatch," and signed his name at the bottom of his letters, like other gentlemen would, "S. S. Fenn."

Cross-int. 18. Did you ever have a letter from any party signed "Benjamin S. S. Fenn," concerning candidates for Delegate to Congress?—A. I do not remember whether Mr. Hailey affixed the word "honorable" to the name of S. S. Fenn in writing to me upon the subject of his being nominated as Delegate to Congress.

Cross-int. 19. Was Mr. Hailey in the habit of writing Mr. Fenn's letters to you?—A. Mr. Hailey never wrote any letters, that I am aware of.

S. S. Fenn, only on behalf of Mr. Hailey himself, stating that he [the democratic party to vote for Mr. Fenn at the November election of 1874.

s-int. 20. Did you ever have a letter at all purporting to come from any party or person by the name of "Hon. S. S. Fenn?"—A. I had any letters written by any parties that assumed to affix the "Hon. Fenn" as purporting to be from Hon. Fenn.

s-int. 21. You don't know, then, whether "Hon. Fenn" was a candidate for Delegate to Congress or not, do you?—A. I don't know gentlemen that would be so base as to forge the name of another man his own name, which is not what I consider forgery. I can't say any man who would write the name "Honorable S. S. Fenn," by instruction, for Honorable S. S. Fenn would be guilty of for-

s-int. 22. Do you know of your own knowledge that there was a candidate for Delegate to Congress, at the election of 1874, by the name of "Hon. S. S. Fenn?"—A. I never heard of such a man, only the case of S. S. Fenn. I never have known of but one man by the name of Fenn.

s-int. 23. Do you assume that you know of all the Fenns in the country or world?—A. There may be half a dozen for aught I know. I have never been acquainted with but one man by the name of Fenn in Idaho or in the United States or Great Britain.

s-int. 24. Do you know all the candidates for Delegate to Congress that were running in 1874?—A. I know Governor Bennett and S. S. Fenn, of Idaho Territory. I am not acquainted with the names of any others running in other States or Territories, except Mr. Cannon, of California Territory.

s-int. 25. Do you know whether there was any other than Mr. Bennett and Bennett running for Delegate to Congress in Idaho?—A. Mr. Foote and Ensign were nominated, but did not receive the support of the democratic convention to secure a nomination that was satisfactory, and withdrew in favor of Mr. S. S. Fenn.

s-int. 26. Were there any one else who were candidates before the convention, not before the convention, besides Mr. Fenn and Mr. Bennett for Delegate to Congress?—A. If there were, they never came to my knowledge, but the names of Mr. Bennett and Fenn.

s-int. 27. Then there might have been some others running and you might have known it?—A. I think not.

s-int. 28. Why not?—A. Because I was kept posted by my friends in Boise City. I took the Idaho Statesman. I did not notice any other names that resembled the name of Bennett and Fenn but they them-

s-int. 29. Did you not see a candidate mentioned in the Statesman that they called "Old Fenn?"—A. I saw considerable political mud affixed to the name of S. S. Fenn, calling him "Old Fenn" and other hard names too numerous to mention.

s-int. 30. You do not know whether there was a candidate running for Delegate to Congress by the name of "Hon. S. S. Fenn" or not?—A. I know there was a man presented, as per letters and printed documents, who bore the title of "Honorable S. S. Fenn."

s-int. 31. Do you know of any one who bears the title of "Honorable S. S. Fenn?"—A. If "Hon." means "honorable," I am acquainted with one gentleman.

s-int. 32. You say the tickets were filled out under your direction. What directions did you give?—A. I told Mr. Bridge to fill out one or

two tickets for each of the precincts with the name of S. S. Fenn, perhaps I might have said "Honorable," as I always addressed him nearly so, with that title, he being speaker of the house of the legislature of Idaho in the winter of 1872-'73.

Cross-int. 33. Which did he fill them, "S. S. Fenn" or "Honorable S. Fenn?"—A. I didn't see all the tickets after they were filled out.

Cross-int. 34. How many did you see?—A. I could not say.

Cross-int. 35. Of those you did see, how were they filled out, "S. Fenn," or "Honorable S. S. Fenn?"—A. I could not say whether word "honorable" was affixed to any but those which were voted at Franklin precinct. I am pretty sure that I saw "Honorable" affixed to "S. S. Fenn" upon the tickets voted in that precinct.

Cross-int. 36. Was it "Honorable" which was affixed, or "Hon.?"—A. "Hon.," if I remember right.

Cross-int. 37. Do you know how the tickets were filled in the Clifton and Paris precincts?—A. I don't know how they were filled out in Paris. I counted out the tickets for Clifton and told Mr. Bridge to fill in the name of S. S. Fenn, and perhaps I might have said "Honorable;" I could not state. We were traveling together, got there late in the evening and left very early in the morning. I don't remember of seeing a ticket after it was filled out.

Cross-int. 38. Might you not have said "Hon. S. S. Fenn" and remembered it?—A. I always pronounce the name "honorable" instead of the name "Hon.;" I suppose it signifies the same. I might have said "Honorable."

Cross-int. 39. By what party was Mr. Fenn nominated—democrats or republicans?—A. Democratic.

Cross-int. 40. By what party was he supported in Oneida County.—A. By the democrats, and many of my friends who do not profess to belong to any political party, but vote for men of honor, as they believe them to be, without regard to party or politics.

Cross-int. 41. Did Mr. Fenn receive any support from a single democrat in Oneida County who was not a member of the Mormon Church?—A. Mr. Davis told me in your presence that he voted for Mr. Fenn, else I misunderstood him; Mr. Watson, who lives at Franklin and has a ranch on the stage-road near Harkness, Mr. Davis told me, was going to vote for Mr. Fenn, and a great many others that I talked with; in fact I thought most every one of the outside community, known as gentiles by the Mormons, that I talked with, felt like supporting Mr. Fenn, except those who claimed to be republicans. Mr. Margary advocated his cause strenuously in my presence and the presence of many friends in the co-operative blacksmith-shop at Franklin, in the presence of Mr. Shumway from Nez Perces County—Aurora Shumway is his name.

Cross-int. 42. Did the result establish the truth of your conviction?—A. I am sorry to say that I heard that some of them turned to politics for fear of a certain ring that existed at Malad City and Franklin City. But this may all be rumor.

Cross-int. 43. What have you reference to when you made a remark regarding to a "certain ring?"—A. It is a kind of political name by which one party distinguishes another who happen to be averse to each other in their political views.

L. H. HATCHE

Adjourned until Friday, February 19, A. D. 1875, at 10 o'clock a.

FRIDAY, *February 19*, A. D. 1875.

At the hour of 10 o'clock a. m. the said contestant, S. S. Feun, by his counsel, J. Brumbach, esq., appeared, and no witnesses being present, the examination was adjourned to Saturday, February 20, A. D. 1875, at 10 o'clock a. m. of said day.

Deposition of Robert J. Caldwell.

SATURDAY, *February 20*, A. D. 1875.

ROBERT J. CALDWELL, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer. Robert J. Caldwell; aged thirty-five years; reside in Malad City, Oneida County, Idaho Territory.

Int. 2. How long have you resided in Oneida County, Idaho Territory, and what business have you been engaged in?—A. I think it is seven years last fall. Engaged in the business of freighting generally.

Int. 3. You may state over what road you have chiefly been engaged in freighting.—A. Over this Montana road running from Corinne to Montana.

Int. 4. Does this road run through Ross Fork, Blakeport, Eagle Rock, Market Lake, and Pleasant Valley?—A. If it don't run through them it runs very close to them. It generally runs either one side or the other of those places.

Int. 5. State whether there is any other road over which freighting is done from the Central Pacific Railroad to Montana.—A. None that I am aware of.

Int. 6. State how many trips upon an average you have made per annum over this road since you have been engaged in the freighting business?—A. Three trips.

Int. 7. State to what extent you are acquainted with those engaged in freighting over this road?—A. I presume I know a majority of the principal freighters on this Montana road.

Int. 8. State how large a majority you think this would be that you know?—A. I think I know nearly all the principal freighters.

Int. 9. State whether or not you are acquainted with the country from Ross Fork to Pleasant Valley?—A. Yes, sir; I am some acquainted with that country.

Int. 10. State what the character of that country is?—A. It is a very good grass-country. It might be an agricultural country, but it is not farmed much that I know of. Some parts of it is a good deal of sand and lava-rock.

Int. 11. How is it settled up?—A. The most of the settlers are off the road.

Int. 12. How many settlers would you judge there are in that portion of Oneida County from Ross Fork to Pleasant Valley?—A. I would not judge that there were over one hundred families, at any rate.

Int. 13. Look now at this exhibit marked "C," and indicate the persons whose names are therein contained whom you know to have been residents of Oneida County at least thirty days prior to November 3, 1874, or of Idaho Territory four months prior to said date.

(Exhibit C shown witness.)

A. F. Peck. I know Kon Kohrs; he has cattle on Snake River. He might have been there thirty days or four months prior to the election and I not have known it. His family is in Montana. He could have

been there, from the fact that the road is generally open, so that one could travel at that time. Thomas Hooben—this name may be Thomas Hobbs, whom I know. T. Lowder, A. R. Wright, William Gibbs—he lives at Portage. I don't think that place is in this Territory; it may be. E. Davis. I know one Haskill; he is generally called Jim Haskill. Thomas used to be a Reed in that county. I don't know whether this J. T. Reed was there at the time of the election or not.

Int. 14. Who of these parties you have mentioned are engaged in freighting?—A. F. Peck. A. R. Wright did freight a little here at one time. I have not seen him freighting for years. William Gibbs; H. Haskell—he freights on a pack-horse. J. T. Reed has driven freight teams.

Int. 15. Look now at Exhibit D and indicate the persons whose names are therein contained whom you know to have been residents of Oneida County at least thirty days prior to November 3, 1874, and of Idaho Territory four months prior to said date.

(Exhibit D shown witness.)

A. John Ripley. I know William Farland; he might have been traveling up and down. I don't know where his home is unless it is in his wagon. I can't say that he has been a resident in the Territory for four months. He is sometimes called Farland, and sometimes McFarland, and sometimes Billy. I know a Tom Wright; don't know whether it is T. W. Wright or not. Joseph Mantle, A. Stoner, George Phelps, J. Anderson, Richard May. He may have been on the outskirts of the Territory at the time. He has no home in particular. A. J. Burk, W. Lyons or Albert Lyons; one of them lives up there; I don't know which one of them.

Int. 16. Who of those persons whose names you have indicated are freighters?—A. W. Farland, Joseph Mantle, A. Stoner.

Int. 17. Look now at Exhibit E and indicate the persons whose names are therein contained whom you know to have been residents of Oneida County at least thirty days prior to November 3, 1874, and of Idaho Territory four months prior to said date.

(Exhibit E shown witness.)

A. C. W. Ward, L. H. Harkness, Lee Mantle, Frank Levan. Pele Anderson is a driver on a freight-team. Don't know as to the length of residence in the Territory. Benjamin Levan, George Lewis. I know a William Hill. He lives in Cache Valley, Utah Territory. I know James Wheeler; he is a freighter. Can't say where he resides. William Jones, H. O. Harkness.

Int. 18. Who of those persons whose names you have mentioned are freighters?—A. Frank Levan, George Lewis, William Hill, James Wheeler, William Jones, H. O. Harkness, has freight-teams on the road.

Int. 19. Look now at Exhibit F and indicate the persons whose names are therein contained whom you know to have been residents of Oneida County at least thirty days prior to November 3, 1874, and of Idaho Territory four months prior to said date.

(Exhibit F shown witness.)

A. F. S. Stevens, James M. Tucker, Joseph Warren, William Cogswell, Hugh Travis, Leon Missler—it ought to be Lewis. I know a Peleg Wood; don't know as to length of time of his residence. Presto Burrell, John Garrett, F. M. Shoemaker, J. W. Fruit, Charles Higham, John Missler, E. D. Ray. I know a Fisher; don't know whether his name is Mike or not. Don't know as ever I heard his given name.

Int. 20. Who of those persons you have named are freighters?—

None of them are freighters on the Montana road. They might be on other roads.

Int. 21. Look now at Exhibit G and indicate the persons whose names are therein contained who you know to have been residents of Oneida County at least thirty days prior to November 3, 1874, and of Idaho Territory four months prior to said date.

(Exhibit G shown witness.)

A. James Anderson, W. N. Shilling, William McKay, Fred. Saulisbury, James A. Dempsey, R. G. Evans, William McCrea, Thomas Ferguson. I know a Donaldson there; don't know whether it is Thomas or not; M. R. Magee, J. D. Baker, E. M. Quimby. I only know one Fisher there. Whether it is S. G. Fisher or not, I can't state. A. T. Stout, J. N. High. I know one Frank Potter. I presume it is the same as J. F. Potter. I know one by the name of McNamarra, Thomas Bolinbroke; O. S. Wright; A. Farrington; Major George; John Pocatello, Captain Pocatello; James Freeman. I know a Davis there, but don't know his given name. I know a Johnson there; don't know whether it is James or not. I know him as Lousy Johnson; John Williams. I know a Lewis there. Whether it is Peter or not I don't know. He is generally called "Old Man" Lewis. I know an Adams there. Don't think his name is George. He is known as "Doc." Adams. I knew a John Gibson a year or so ago. Whether he was in the Territory at the time mentioned or not, I cannot say. I know a Wilcox, a freighter on the road. Whether it is Eli or not I do not know. M. Toby, James McLaughlin. I know a Scott living at Soda Springs. I think one of them is named Winfred, but would not be certain. I know a Rader. Whether it is Andrew or not I cannot say. I know a man by the name of Riddle, called Dick Riddle. Don't know whether S. Riddle is the one or not.

Int. 22. Are any of these persons whose names you have indicated Indians? If so, who?—A. I don't know how to get at that exactly. There may be white men of the same name.

Int. 23. Do you know any Indians who have the same name as any of those you have pointed out? And, if so, state who.—A. I don't know any white man named Major George. I know an Indian we call John Pocatello; one called Captain Pocatello, too.

Int. 24. Where have these Indians been residing?—A. They have been residing around Ross Fork; in Malad Valley, and on Raft River—generally through the country here.

Int. 25. To what tribe do they belong?—A. That I do not know definitely.

Int. 26. State whether Ross Fork is the headquarters of the Fort Hall Indian reservation or not.—A. It is, to the best of my knowledge.

Int. 27. State whether or not there are usually a large number of Indians about that point.—A. Yes, sir; there are generally a good many Indians there.

Int. 28. Who, of the names you have indicated on Exhibit G, are freighters?—A. Thomas Bolinbroke, A. Farrington; James Johnson is a packer; John Williams, Eli Wilcox, Andrew Rader.

Int. 29. State whether you were employed by any one to subpoena witnesses in this case of Fenn vs. Bennett; if so, by whom?

(Objection by counsel for contestee on ground of irrelevancy.)

A. I presume that I was under employment, or that you was to make some settlement for my labor.

Int. 30. State where you went for the purpose of summoning witnesses.

(Objection by counsel for contestee on ground of irrelevancy.)

A. I went up through Mant Valley; down the Port Neuf; up Snake River, and down Snake River, on to the Fort Hall bottoms, and had to tie up to a cedar-tree all night. Got up the next morning and could make no further progress. There was no thoroughfare.

Int. 31. Did you find the witnesses you went after?

(Objection by counsel for contestee on ground of irrelevancy.)

A. Some I did not find, and some I did.

Int. 32. Did you learn what became of those you did not find?

(Objected to by counsel for contestee on the ground of irrelevancy.)

A. I learned that they were not there, when I asked for them.

Int. 33. Did you learn any reasons why they were not there?

(Objected to by counsel for contestee on ground of irrelevancy.)

A. I can't say that I learned any reason.

Int. 34. Did you hear of any person being along up the road in advance of you, informing witnesses to get out of your way?

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. I heard of a man being up the road, but not to inform the witnesses to get out of the way, as I know of.

Int. 36. Who was it?

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. His name was W. H. Jones, is what I heard.

Int. 37. Did you see W. H. Jones up the road? If so, where?

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. I saw him at Black Rock, I believe.

Int. 38. State what he said to you there about going up the road with them.

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. I forget what did pass between us there. I think he asked me to take a drink, and I took some.

Int. 39. Did he or not inquire of you whether you were going further up the road or not?

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. I can't remember now what did occur there. It was after breakfast when we were talking then, and the other was before breakfast. I do not remember whether I asked him in to take a sleigh-ride, or whether he asked me whether he was going to take a sleigh-ride. I disremember now whether there was much more passed between us. We did not stop there very long.

Int. 40. Where does this Mr. Jones reside?

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. In Malad City, Oneida County, I believe.

Int. 41. State whether he was a candidate for any office at the last election; if so, what, and what ticket did he run on?

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. I did not cast any vote myself at the last election, and I did not take the tickets into account any more than hearsay.

Int. 42. What did you hear about it?

(Objected to by counsel for said contestee on the ground of irrelevancy.)

A. I heard he was running on the liberal ticket, as it is called ere.

Int. 43. You mean by that the same one that Bennett run on, do you? (Objected to by counsel for said contestee on the ground of irrelevancy.)

A. Yes, sir.

Cross-examination :

Cross-int. 1. What ticket did Mr. Fenn run on?—A. From hearsay, I should call it the people's ticket.

Cross-int. 2. How do you know that Mr. Fenn ran on the people's ticket?—A. I did not say that he did; I said I knew only from hearsay.

Cross-int. 3. Who did you hear say so?—A. I don't know as I can call to mind now just who the parties were.

Cross-int. 4. About how many did you hear say so?—A. That I cannot call to mind.

Cross-int. 5. Where did you hear it said?—A. I think it was out on the street, this side of the bridge.

Cross-int. 6. What class of people generally voted for Mr. Fenn—democrats or republicans?—A. That would be a hard question for me to answer, from the fact that I do not know.

Cross-int. 7. Were there any political issues in Oneida County at the election of November 3, 1874?—A. I forget whether there was or not.

Cross-int. 8. What were the issues in Oneida County?—A. I did not understand anything about it really.

Cross-int. 9. Did you hear anything said about democrats or republicans?—A. I heard liberal and people. I can't say whether I heard democrats or republicans spoken of or not; if I did, I do not remember.

Cross-int. 10. Did not many of those who voted the liberal ticket vote for Mr. Fenn, and many of these who voted the opposite ticket vote for T. W. Bennett; or don't you know anything about it?—A. I do not know which way they voted, at all.

Cross-int. 11. Do you know how many majority the liberal ticket had at Deep Creek precinct?—A. I heard it, but can't remember what it was.

Cross-int. 12. Do you not remember that the majority for Mr. Fenn was much greater than for any of the county officers?—A. No, sir, I do not, from the fact that I did not take any interest in it at all; I stood perfectly neutral.

Cross-int. 13. Did you notice any tickets with Mr. Fenn's name on?—A. Yes, sir; I believe I did.

Cross-int. 14. Was that name printed or written?—A. If I am not mistaken, it was printed.

Cross-int. 15. What ticket was that—the liberal ticket or the people's ticket?—A. I don't think, come to remember, that there were any tickets with Mr. Fenn's name printed on.

Cross-int. 16. Were not the tickets of both parties printed with a blank left for the name of Delegate, so that voters might take their choice as to candidates?—A. It strikes me that they were; but I don't believe that I can remember anything about it. I did not observe close enough to remember.

Cross-int. 17. Was the issue at the election in Oneida County at the election of November 3, 1874, between democrats and republicans, or

between any other two parties; if so, what were they?—A. I don't know.

Cross-int. 18. Was it not between the Mormons and the gentiles?—A. I don't know.

Cross-int. 19. Did not the Mormon people, as a rule, support Fenn?—A. From hearsay, I think they did.

Cross-int. 20. Were not the candidates on one of the county tickets Mormons?—A. I heard that they were.

Cross-int. 21. With one exception, were they not all gentiles on other ticket?—A. I heard that they were all gentiles.

Cross-int. 22. Do you know how many Mormon bishops there were on the Mormon ticket?—A. I don't know.

Cross-int. 23. About how many were there?—A. At a rough guess, I don't think there were over fifteen.

Cross-int. 24. How many candidates altogether were there on ticket?—A. I never counted them.

Cross-int. 25. About how many should you think there were?—A. At a rough guess, I don't think there were over twenty-five. There may have been.

Cross-int. 26. Do you know, of your own knowledge, whether Jones had been any farther north than Black Rock when you saw him?—A. No, sir; I was in the house when he came in.

Cross-int. 27. Who told you that he had been up the road notifying witnesses to get out of the way?—A. I did not say that any person told me that he was up the road notifying witnesses to get out of the way, but that I heard that he was up the road ahead of me.

Cross-int. 28. Is it customary or not for people to go up and down the road when they have occasion to, without asking anybody's permission?—A. Yes, sir; I go sometimes myself.

Cross-int. 29. How many witnesses did you have subpoenas for up the road?—A. I don't understand the question.

Cross-int. 30. For whom did you have subpoenas?—A. E. M. Quinn, W. N. Shilling, A. P. Stoner, Joseph Byington, A. Barker, Charles Hancock, Sylvester Wilson, and William Tillison.

Cross-int. 31. Did you visit Mr. Stoner's place of residence?—A. Yes, sir, I think I did; in fact, I know I did.

Cross-int. 32. What kind of looking place was it?—A. His residence was a kind of oblong thing, built of cotton-wood chunks.

Cross-int. 34. Did you find anybody there?—A. No, sir.

Cross-int. 35. Was there any family there?—A. No, sir; if there was, I did not see it.

Cross-int. 36. Did you get into the house?—Yes, I got in; but not in on my own responsibility, for I was cold.

(Counsel for said contestant declines to pay for any further cross-examination of this witness.)

Counsel for said contestee here enters his withdrawal as counsel for said contestee, for the reason that he had an important cross-examination on hand of this witness, and that the contestant, by his attorney J. Brumback, esq., has refused to become responsible for the payment thereof, and that no means have been provided him—the said counsel for contestee—for the payment of taking testimony; and for the reason that he is unable to make any provision to make such payment; and that the clerk declines to proceed without payment of his fees.)

R. J. CALDWELL

Deposition of Thomas Bolinbroke.

THOMAS BOLINBROKE, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer. Thomas Bolinbroke; aged twenty-seven years; reside at Black Rock, Oneida County, Idaho Territory.

Int. 2. How long have you resided at that place?—A. Ten months.

Int. 3. How long have you resided in Oneida County, Idaho Territory?—A. Seven or eight years.

Int. 4. Where else have you been residing in Oneida County?—A. In Marsh Valley and in Malad City.

Int. 5. What business are you engaged in?—A. Hotel-keeping.

Int. 6. How far is Black Rock from Ross Fork?—A. It is called twenty-two miles.

Int. 7. On what road is Black Rock?—A. On the Montana stage-road.

Int. 8. Where did you vote, if at all, at the election of November 3, 1874?—A. At Ross Fork.

Int. 9. How early were you at the polls on that day, and how long did you stay?—A. I think I got there about 10 o'clock; was there before the polls were opened. I stopped there all that day.

Int. 10. What hour did the polls open on that day at that place?—A. It must have been between 9 and 10 o'clock. It might not have been that late.

Int. 11. What time did they close?—A. I could not say positively. It was after sundown.

Int. 12. Did you see any Indians voting there on that day?—A. Yes, sir.

Int. 13. How many?—A. I don't think I saw over five or six at the outside, and may be not so many.

Int. 14. Did you see the same Indians vote more than once?—A. No, sir; I think not.

Int. 15. Did you see any persons bringing in Indians on that day to vote?—A. No, sir; I can't say that I did.

Int. 16. Were you close by the polls during the entire time they were opened?—A. I was off most of the time. I was around the polls but very little.

Int. 17. Were there many freighters or teamsters at Ross Fork on that day?—A. There were a great many passed there on that day. Several teams were camped there.

Int. 18. About how many teams do you think passed there on that day, and how many were camped there?—A. I should judge there were about twenty teams passed there on that day. I should judge there were ten or twelve teams camped there along the road.

Int. 19. Are you acquainted with the teamsters who passed, and with those who camped there?—A. No, sir; I don't think I knew one of them.

Int. 20. Did you see any of them vote?—A. I think I saw one of them vote; a wagon-boss of an outfit.

Int. 21. How many people reside in the vicinity of Ross Fork, that is, within less distance of Ross Fork than Blackfoot on the one side, and Nine-Mile Creek on the other—I mean, white persons?—A. I have no idea.

Int. 22. Now look upon this exhibit, marked "G," and indicate the persons whose names are therein contained whom you know to have been residents of Oneida County thirty days previous to November 3, 1874,

and of Idaho Territory four months prior to said date, excepting
Indians.

(Exhibit G shown witness.)

A. James Anderson, W. N. Shilling, William M. McKay, Fred Salisbury. I know a Dempsy there; could not say what his given name is. George N. Hawkins, R. G. Evans, William McCrea, Thomas Ferguson. I know a Donaldson there; cannot state what his given name is. I guess this Thomas Donaldson is the same man. I know a Magee there; don't know his initials. J. D. Baker, C. S. Hogan, E. M. Quimby, S. Fisher, A. T. Stout, J. N. High, Benjamin F. Potter, H. Whitcomb, Thomas Bolinbroke; O. S. Wright, I think, is a man that was working for Harkness at the time. James Freeman, M. Toby, Vrelin, James McLaughlin, S. Riddle.

Int. 23. Do you know any Indians whose names appear on the list? If so, indicate them.—A. No, sir; I do not believe I do.

Int. 24. How many Indians stay about Ross Fork?—A. I do not know.

THOS. BOLINGBROKE

Adjourned to Tuesday, February 23, A. D. 1875, at 10 o'clock a. m. the 22d day of February being a non-judicial day, according to the laws of Idaho Territory.

Deposition of Francis Levan.

TUESDAY, February 23, A. D. 1875.

FRANCIS LEVAN, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.
Answer. Francis Levan; aged twenty-eight years; reside at present at Ross Fork, Oneida County, Idaho Territory.

Int. 2. What business have you been engaged in during the past year, and how long have you been engaged in the same business?—A. Freight freighting; have been so engaged eight years.

Int. 3. Over what road have you been engaged in freighting during that time?—A. The Salt Lake, Corinne, and Montana road.

Int. 4. How extensively have you become acquainted with those engaged in freighting over the same road?—A. Probably with three-fourths of the principal freighters.

Int. 5. Where were you on the 3d day of November last, being the day of election in Idaho Territory?—A. Between Little Dry Creek and Pleasant Valley.

Int. 6. Did you vote at any place on that day?—A. Yes, sir.

Int. 7. Where?—A. At Beaver Cañon toll-gate.

Int. 8. Is that near Pleasant Valley?—A. Yes, sir.

Int. 9. How long were you about the polls at that place on that day?—A. Not longer than fifteen or twenty minutes—just long enough to vote and pass on.

Int. 10. How many freighters, with their teamsters, were in the vicinity of that place on that day, as nearly as you can judge?—A. There were all of twenty camped at Little Dry Creek in the morning, and we met about twenty during the day.

Int. 11. Which way were you traveling?—A. North.

Int. 12. Look now at this exhibit, marked "C," and indicate the name

of the persons therein contained whom you know to have been residents of Idaho Territory four months and of Oneida County thirty days prior to November 3, 1874.—A. F. Peck, Thomas Horban, S. Lowder, E. J. Davis.

Int. 13. Who of these persons whose names you have indicated are teamsters or freighters?—A. F. Peck.

Int. 14. Do you know where Kon Kohrs resides?—A. In Deer Lodge Valley, Montana.

Int. 14½. Do you know of any persons on that list residing outside of the Territory of Idaho at the time of the election?—A. Willard Gibbs. He resided in Portage, Utah Territory.

Int. 15. Look now at exhibit marked "D," and indicate the names of the persons therein contained whom you know to have resided in Idaho Territory four months and in Oneida County thirty days prior to November 3, 1874.—A. John Ripley, August Miller, S. W. Wright, Joseph Mantle, A. Stoner, John Simpson, J. C. Anderson, A. J. Burke.

Int. 16. Who of those persons you have named are freighters or teamsters?—A. John Simpson, August Miller. A. Stoner has freighted some.

Int. 17. Who of the persons named on that list do you know to have resided outside of Idaho Territory at the time of that election?—A. Not any that I can name.

Int. 18. Look now at Exhibit E and indicate the names of the persons therein contained whom you know to have resided in Idaho Territory four months and in Oneida County thirty days prior to November 3, 1874.—M. M. Downie, L. H. Harkness, Lee Mantle, Frank Levan, Peter Anderson, J. Dolby, Benjamin Levan, Perry Earl, George Lewis, William Jones, H. O. Harkness, John J. Brink.

Int. 19. Who of these names you have mentioned are freighters or teamsters?—A. Peter Anderson, L. H. Harkness, Frank Swan, J. Dolby, Benjamin Levan, Perry Earl, George Lewis, William Jones.

Int. 20. Who of the persons named on that list do you know to have resided outside of Idaho Territory at the time of that election?—A. None that I can name.

Int. 21. Look now at Exhibit F and indicate the names of the persons therein contained whom you know to have resided in Idaho Territory four months, and in Oneida County thirty days, prior to November 3, 1874.—A. F. S. Stevens, P. W. Boqua, James McTucker, Joseph Warren, David W. Bowie, William Cogan, Hugh Travis, John Garrett, J. W. Fruit, Charles Higham. I know a man named Fisher there, but do not know his given name.

Int. 22. Who of these persons you have named are freighters and teamsters?—A. None that I can name.

Int. 23. Who of the persons named on that list do you know to have resided outside of Idaho Territory at the time of that election?—A. Not any.

Int. 24. Look now at Exhibit G and indicate the names of the persons therein contained whom you know to have resided in Idaho Territory four months, and in Oneida County thirty days, prior to November 3, 1874.—A. James Anderson, W. N. Shilling, Fred. Salisbury, James A. Dempsey, George W. Hawkins, William Andros, William McCrea, Thomas Ferguson, Thomas Donaldson, M. R. Magee, P. O. Matthews, J. D. Baker, C. S. Hogan, E. M. Quimby, S. G. Fisher, A. T. Stout, J. N. High, Thomas Bolinbroke. Captain Pocatello, I believe, is an Indian. I know J. Stout; it is some eight months since I have seen him; I know he used to live there. James Freeman, Aleck Thompson. I know a

man called Doc Adams; don't know whether his name is George or not. I used to know a John Gibson. I don't know whether he is there now or not. M. Tobey, James McLaughlin. I know a Rader; is a freighter; I don't know his given name. S. Riddle.

Int. 25. Who, of those names you have mentioned, are freighters and teamsters?—A. Andrew Rader.

Int. 26. Who of those persons on that list do you know to have resided outside of Idaho Territory at the time of that election?—A. I don't know whether Fred. Salisbury was a resident of the Territory or not at that time. He now resides at Ross Fork. His business is in this Territory.

Int. 27. State whether or not there are a large number of Indians at Ross Fork?—A. I presume there are some four hundred in and around Ross Fork or Fort Hall reservation:

Int. 28. State where the headquarters of the Fort Hall Indian reservation is.—A. One mile below Ross Fork trading-post.

Int. 29. Indicate the names on this list whom you know to be Indians.—A. P. Matthews; he is an educated Indian; Major George, Captain Pocatello.

FRANCIS LEVANSKY.

Adjourned to Wednesday, February 24, A. D. 1875, at 10 o'clock a. m.

Deposition of William A. Tillotson.

WEDNESDAY, February 24, A. D. 1875.

WILLIAM A. TILLOTSON, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—A. Answer. William A. Tillotson; age, thirty-three years; reside in Marsh Valley, Oneida County, Idaho Territory.

Int. 2. Was there any election held in Marsh Valley on November 3, 1874; and, if so, where?—A. Yes, sir; at Nine-Mile precinct.

Int. 3. Who were the judges and clerks of that election?—A. William A. Tillotson and C. B. Hancock were the clerks; Joseph Boyington, Abraham Bouger, and Sylvester Wilson were the judges.

Int. 4. How were these judges and clerks appointed?—A. By the voters, in the morning.

Int. 5. At what time in the day were they so appointed?—A. About 7 o'clock a. m.

Int. 6. Were there any judges appointed by the county commissioners of Oneida County on the ground at the time of the appointment of such judges by the voters?—A. Not that I know of.

Int. 7. Who was clerk of the meeting of voters held for the purpose of appointing judges and clerks?—A. C. B. Hancock.

Int. 8. The same person who was also one of the clerks of election?—A. Yes, sir.

Int. 9. How far is Nine-Mile Creek from the place where Burnett formerly lived?—A. I believe they call it about seven miles.

Int. 10. Are both places in Marsh Valley?—A. Yes, sir.

Int. 11. Which is the most convenient place for voters in that valley?—A. Nine-Mile Creek.

Int. 12. How many votes were cast at that place on that day for Delegate to Congress?—A. Twenty-six.

Int. 13. Of these how many did Fenn receive and how many Bennett?

nett?—A. I cannot tell exactly how many Fenn received. I cannot tell exactly how many Bennett received.

Int. 14. Did you count the votes?—A. Yes, sir.

Int. 15. Did you count how many Fenn received?—A. No, sir.

Int. 16. Were there any scratched tickets?—A. Three only, that I saw.

Int. 17. Did you see all of the tickets?—A. I saw them folded and put in the box.

Int. 18. About how many votes did Fenn receive, as nearly as you can recollect?—A. I can't recollect to tell anywhere near.

WILLIAM A. TILLOTSON.

Deposition of Richard G. Evans.

RICHARD G. EVANS, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer. Richard G. Evans; age, forty-seven years; reside in Malad City, Oneida County, Idaho Territory.

Int. 2. Where were you on the 3d day of last November?—A. At Ross Fork.

Int. 3. Were you about the polls at the election held there on that day?—A. Once.

Int. 4. Did you see any Indians vote there on that day?—A. I did not.

Int. 5. How long were you around the polls on that day?—A. About two or three seconds, just long as I could hand in my ticket.

R. G. EVANS.

Deposition of W. C. Hawkins.

W. C. HAWKINS, being first duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer. W. C. Hawkins; aged thirty-eight years; reside at Marsh Valley, Oneida County, Idaho Territory.

Int. 2. How long have you resided in Marsh Valley?—A. Four years.

Int. 3. Was there an election held in Marsh Valley in 1872; and, if so, where?—A. No, sir; there was not.

Int. 4. Do you know whether there were any notices posted in Marsh Valley of the election of November 3, 1874?—A. There were not.

Int. 5. Which is the more convenient place for the holding of an election in Marsh Valley for the people, Nine-Mile Creek or at the Marsh Creek crossing, formerly Burnett's place?—A. Nine-Mile Creek.

Int. 6. Were you present at the election at Nine-Mile Creek on the 3d day of last November?—A. I was.

Int. 7. Do you know of a meeting being held by the voters of that place for the purpose of appointing clerks and judges of election?—A. I do.

Int. 8. What time in the day was that meeting held, and did the judges and clerks so appointed act?—A. At 7 o'clock a. m. They did so act.

Int. 9. How many votes were cast for Delegate to Congress at that place on that day?—A. I do not know.

Int. 10. Did you learn from any one the number of votes so cast?—A. Mr. Hancock told me there were 26.

Int. 11. When did he tell you this?—A. He told me a couple of days after the election.

Int. 12. Did he inform you how many of these Fenn received, and how many Bennett?—A. I understood him 24 for Fenn and 2 for Bennett.

W. C. HAWKINS

Certificate of clerk.

That I continued the hearing of said cause from day to day, adjourning over Sundays and non-judicial days, until the testimony was concluded; that I reduced the testimony of said witnesses to writing, and after reading the same to each one of them respectively, in the presence of the counsel for the respective parties, it was duly corrected and signed by each of said witnesses respectively.

I further certify that the exhibits attached, and marked A, B, C, E, F, G and H, are the ones referred to by the respective witnesses and attached hereto and made a part of the testimony in the case; Exhibit A being a transcript of the record of the proceedings of the board of county commissioners of Oneida County, Idaho Territory; Exhibit B being a certified copy of the abstract of votes for Delegate to Congress; Exhibit C being a certified copy of the poll-book, Market Lake precinct; Exhibit D being a certified copy of the poll-book, Eagle River precinct; Exhibit E being a certified copy of the poll-book, Pleasant Valley precinct; Exhibit F being a certified copy of the poll-book, Blackfoot precinct; Exhibit G being a certified copy of the poll-book, Rye Fork precinct; and Exhibit H being a certified copy of the tally-sheet showing the votes for Delegates to Congress in Malad precinct, Oneida County, Idaho Territory.

I do further certify that the fees paid to the witnesses produced the part of contestant in said case, as follows: Robert J. Caldwell, 85 cents; W. C. Hawkins, \$6.25; E. J. Davis, \$1.50; George Lake, \$5.75; M. Morgan, \$1.70; Thomas Bolingbroke, \$6.75; G. Thomas, 85 cents; B. F. White, 85 cents; T. J. Bolingbroke, 85 cents; Francis Levan, \$6.00; L. H. Hatch, \$6.95; R. G. Evans, 85 cents; William A. Tillotson, \$2.00; Thomas Daniels, 85 cents; William Chovirs, 95 cents; R. T. Bush, 85 cents, are just and true, and in accordance with the statutes of the United States in such cases made and provided.

I further certify that the following-named persons were paid by Brumbach, esq., counsel for said contestant, for serving subpoenas in said case, the following sums, to wit: Robert J. Caldwell, \$61.15; W. C. Hawkins, \$8; Robert H. Dowdle, \$45.25; and to B. F. White, for certified copies of papers introduced as evidence in said cause, the sum of \$20.75; and to E. A. Hollister, clerk district court third judicial district Oneida County, Idaho Territory, for taking the testimony and reducing the same to writing, for issuing subpoenas, filing subpoenas on return, for swearing witnesses, and for filing papers in the case, the sum of \$97.80, and that the fees paid as above are just and true and in accordance with the statutes of the Territory of Idaho in such cases made and provided.

I do further certify that the subpoenas attached hereto are the original subpoenas issued by me and filed by me on their return, together with the return of service thereon.

[SEAL.]

E. A. HOLLISTER, *Clerk.*

Certificate of chief-justice.

TERRITORY OF IDAHO,
Oneida County, ss:

I hereby certify that E. A. Hollister is now, and was during the time the annexed depositions were taken, clerk of the third judicial district of Idaho Territory and of the district court of said county, and duly authorized by law to take depositions in common-law and in civil actions and in chancery; and that his attestation to said depositions is in his handwriting and in due form of law.

In witness whereof I hereunto set my hand, at Malad City, in said county, this 24th day of February, A. D. 1875.

M. E. HOLLISTER,
*Chief-Justice of the Supreme Court of Idaho and Presiding
 Judge of the District Court of Oneida County.*

Certificate of clerk.

TERRITORY OF IDAHO,
County of Oneida, ss:

I, E. A. Hollister, clerk district court third judicial district, in and for the county of Oneida and Territory of Idaho, do hereby certify that M. E. Hollister is, and was at the time of the attestation of the foregoing and annexed certificate, chief-justice of the Territory of Idaho, and presiding judge of the district court of the third judicial district in and for the county of Oneida and Territory of Idaho; and that his attestation to the said certificate is in his handwriting and in due form of law.

Witness my hand and the seal of said court, at Malad City, I. T., this 24th day of February, A. D. 1875.

[SEAL]

E. A. HOLLISTER, *Clerk.*

EXHIBIT A.

*Copy of record-entries of board of county commissioners, Oneida County,
 Idaho Territory.*

BOARD OF COUNTY COMMISSIONERS,
Tuesday, April 9, 1872.

Board met pursuant to adjournment, (present, Thomas Daniels, W. A. Finney, and William P. Jones, commissioners; Morgan Morgan, sheriff; and C. P. Jones, clerk;) when the following, among other proceedings, were had, to wit:

In the matter of establishing and changing election-precincts.

Whereas it appears to the honorable board that the present boundaries of election-precincts in said Oneida County are not such as are the most suitable and for the best interests of the voters thereof; and whereas the statutes provide that the board may, at any time, alter, change, and establish election-precincts, if, in their opinion, they may deem such necessary:

It is hereby ordered by the board that the said Oneida County be, and it is hereby, divided into election-precincts, as follows:

Black Pine precinct.—All that portion of said county included within

the following boundaries, to wit: commencing at a point where Dee Creek, in Curlew Valley, crosses the southern boundary-line of Oneida County, and from thence running due north to the southern boundary of the Bannack and Shoshone Indian reservation; thence west, along the southern boundary-line of the said Indian reservation, to Snake River; thence down Snake River to the mouth of Raft River; thence due south to the southern boundary of Idaho Territory; thence east along the southern boundary-line of the county to place of commencement, shall be, and it is hereby made and declared to be, the Black Pine election-precinct.

Malad precinct.—All that portion of Oneida County included within the following boundaries, to wit: commencing at a point where the Malad River, in Malad Valley, crosses the southern boundary-line of said county, and from thence running up the middle channel of said creek to its bend, about three and a half miles north of Malad City; thence along the stage-road to the summit of Malad divide; thence due west to the eastern boundary of Black Pine precinct; thence due south to the southern boundary of said county; thence east to place of commencement, shall be, and the same is hereby, designated and declared to be the Malad election-precinct.

Deep Creek precinct.—All that portion of said Oneida County included within the following boundaries, to wit: commencing at a point which is the southeast corner of the Malad precinct, and from thence running northerly along the eastern boundary of said Malad precinct to its northeast corner; thence due east to the eastern boundary of said county; thence south to its southern boundary, the same being the southeast corner of Idaho Territory; thence west along the southern boundary-line of said county to place of commencement, shall be, and the same is hereby designated and declared to be the Deep Creek precinct.

Marsh Valley precinct.—All that portion of said Oneida County bounded on the north by the Bannack and Shoshone Indian reservation, on the south by the Malad and the Deep Creek election-precincts, and on the east by the range of mountains dividing Bear River from Marsh Valley, shall be, and the same is hereby, designated and declared to be the Marsh Valley election-precinct.

Soda Springs precinct.—All that portion of Oneida County bounded as follows, to wit: on the south by the Deep Creek precinct; on the west by the Marsh Valley precinct; on the north by a line drawn east and west along the southern boundary of the Bannack and Shoshone Indian reserve, extending to the eastern boundary of the county, and on the east by the eastern boundary of the county, shall be, and the same is hereby, designated and declared to be the Soda Springs election-precinct.

Blackfoot precinct.—All that portion of Oneida County included within the following boundaries, to wit: commencing at a point on Blackfoot River, one mile east of the residence of F. M. Shoemaker, and from thence running due north to a point due east of Cedar Point Station; thence west to the western boundary-line of said county; thence south to a point due west of the mouth of Blackfoot River; thence east to the mouth of Blackfoot River; thence up the middle channel of Blackfoot River to point of commencement, shall be, and the same is hereby, designated and declared to be the Blackfoot election-precinct.

Eagle Rock precinct.—All that portion of Oneida County lying directly north of the Blackfoot precinct, shall be, and the same is hereby declared to be the Eagle Rock election-precinct.

Cariboo precinct.—All that portion of said Oneida County lying d

rectly north of the Soda Springs precinct, and east of the Blackfoot and the Eagle Rock precincts, shall be, and the same is hereby, designated and declared to be the Cariboo election-precinct.

It is further ordered, that all orders or parts of orders relating to or affecting the boundaries of election-precincts in Oneida County be, and the same are hereby, revoked and made null and void.

* * * * *

In the matter of appointing judges and inspectors of election, and designating places for holding the same, as provided by law.

It is hereby ordered by the board that the following persons be, and they are hereby, appointed judges and inspectors of election in the respective election-precincts in Oneida County, and that such elections shall hereafter be held at the following-named places in said election-precincts, to wit:

In Black Pine election-precinct.—Elections shall be held at the house of D. C. Nichols; and D. E. Daniels is hereby appointed inspector, and D. C. Nichols and J. Q. Shirley judges of election.

In Malad election-precinct.—At the Josephite school-house; and J. H. Curtis is hereby appointed inspector, and T. J. Bolingbroke and Griffith Thomas judges of election.

In Deep Creek precinct.—At the county recorder's office; and John Lewis is hereby appointed inspector, and M. Berger and Rees Thomas judges of election.

In Marsh Valley precinct.—At the house of David Burnett, jr.; and David Burnett, jr., is hereby appointed inspector, and N. C. Hawkins and James Smith judges of election.

In Soda Springs precinct.—At the house of Albert Lyons; and Albert Lyons is hereby appointed inspector, and Bishop Merrill and James Sterrett judges of election.

In Blackfoot precinct.—At the store of Joseph Warren; and F. M. Shoemaker is hereby appointed inspector, and Presto Burrell and F. S. Stevens judges of election.

In Eagle Rock precinct.—At the house of Edward Bradish; and John N. Adams is hereby appointed inspector, and Thomas Wright and ——— judges of election.

In Cariboo precinct.—At Chase's store, in Kernan City; and J. Kernan is hereby appointed inspector, and Frank Chase and J. Perkins judges of election.

It is further ordered that all orders and parts of orders relating to the appointing of judges and inspectors of election and of designating places for holding the same, in any way conflicting with the provisions of this order, be, and the same are hereby, revoked and made null and void.

THOMAS DANIELS,
Chairman.

Attest:
C. P. JONES, *Clerk.*

—
BOARD OF COUNTY COMMISSIONERS,
Malad City, July 8, A. D. 1872.

Board met pursuant to adjournment, (present: Thomas Daniels, W. A. Finney, and William P. Jones, commissioners; Morgan M. Morgan, sheriff; and C. P. Jones, clerk;) when the following, among other proceedings, were had, to wit:

In the matter of establishing election-precincts in Cache Valley at Bear Lake Valley.

It is hereby ordered by the board of commissioners that the following be, and the same are hereby, set off as election-precincts, to wit:

Franklin election precinct.—All that portion of Oneida County included within the following boundaries, to wit: commencing at a point on the summit of the East Mountains of Malad Valley where the southern boundary-line of Idaho Territory crosses the same; thence east along the southern boundary-line of Idaho to the summit of the East Mountains of Cache Valley; thence north along the summit of said mountains to the southern boundary-line of Soda Springs precinct; thence west along said southern boundary-line of said Soda Springs precinct to the eastern boundary-line of Marsh Valley precinct; thence south along the eastern boundary-line of Marsh Valley to the northeast corner of Malad precinct; thence south along the summit of the Malad Valley East Mountains to the place of commencement, shall be, and the same is hereby, designated and declared to be the Franklin election-precinct.

Paris election-precinct.—All that portion of Oneida County bounded as follows, to wit: Commencing at a point on Bear River, in Bear Lake Valley, one mile east of Dingle Dale; thence south to the boundary-line of Oneida County, the same being the boundary-line of Idaho Territory; thence west to the southeast corner of Franklin precinct; thence north along the eastern boundary-line of Franklin precinct to its northeast corner; thence east along the southern boundary-line of Soda Springs precinct, to Bear River; thence up the middle channel of Bear River to point of commencement, shall be, and the same is hereby, designated and declared to be the Paris election-precinct.

Montpelier election-precinct.—All that portion of Oneida County east of the Paris election-precinct and south of Soda Springs and Caribou precincts, shall be, and the same is hereby, designated and declared to be the Montpelier election-precinct.

* * * * *

BOARD OF COUNTY COMMISSIONERS,
Malad City, July 9, A. D. 1872.

Board met pursuant to adjournment—present, full board and C. P. Jones, clerk—when the following, among other, proceedings were had to wit:

Clifton election-precinct.—It is hereby ordered that all that portion of Oneida County west of Bear River, in Cache Valley and east of Deer Creek election-precinct, shall be, and the same is hereby, designated and declared to be Clifton election-precinct.

* * * * *

THOMAS DANIELS,
Chairman.

Attest:
C. P. JONES, *Clerk.*

TERRITORY OF IDAHO,
County of Oneida:

BOARD OF COUNTY COMMISSIONERS, SPECIAL MEETING,
Malad City, August 19, A. D. 1872.

Board met at 10 o'clock a. m.—present, Thomas Daniels and Wm. F.

Jones, commissioners, and C. P. Jones, county clerk—when the following, among other, proceedings were had, to wit :

Bear River election-precinct.—Ordered, that all that portion of Bear River Valley in Oneida County, Idaho Territory, north of the residence of ——— Robbins, on Battle Creek, and extending north to the old Sublett Cut-off Emigrant road, be, and the same is hereby, designated and declared to be the Bear River election-precinct.

In the matter of appointing judges and inspectors of election and designating places for holding the same as provided by law.

It is hereby ordered, that the following persons be, and they are hereby, appointed judges and inspectors of election in their respective election-precincts in Oneida County, and that such elections shall hereafter be held at the following-named places in said election-precinct, to wit :

In Bear River election-precinct.—At the house of ——— Scott, and B. M. Tunley is hereby appointed inspector and ——— Burton and ——— Scott judges of election.

In Paris election-precinct.—At the second district school-house, and John U. Stucki is hereby appointed inspector and F. M. Pomroy and Hiram Ricks judges of election.

In Montpelier election-precinct.—At the public school-house, and Edward Burgoyne, inspector, and David Osborn and F. M. Crawford, judges of election; the aforesaid are hereby appointed inspector and judges of election.

In Franklin election-precinct.—At the public school-house, and L. C. Mecham, inspector, and Armenius Neely and John Goslind, sr., judges of election; the aforesaid are hereby appointed inspector and judges of election.

In Clinton election-precinct.—At the house of ———, and S. C. D. Howell is hereby appointed inspector and O. H. Harmon and M. P. Fifield judges of election.

In Cariboo election-precinct.—At the house of F. P. Chase, and F. P. Chase is hereby appointed inspector and J. Fairchild and A. Benton judges of election.

* * * * *

THOMAS DANIELS, *Chairman.*

Attest:

C. P. JONES,
Clerk of Board.

TERRITORY OF IDAHO,
County of Oneida :

BOARD OF COUNTY COMMISSIONERS.—REGULAR SESSION.

MALAD CITY, *April 6, A. D. 1874.*

Board met at 10 o'clock a. m.—present, Thomas Daniels and George Lake, county commissioners, and C. P. Jones, deputy recorder—when the following, among other, proceedings were had, to wit :

In the matter of establishing an election-precinct at Oxford.

It is hereby ordered that all part of Oneida County, within the following boundaries, shall be known as the Oxford election-precinct, commencing at the head of Marsh Creek; thence west to the summit of the West Mountains that divide Cache Valley from Malad Valley; thence south and along the summit of the said mountains to a point opposite Lake street; thence east and along said Lake street to the boundary.

line of Cotton election-precinct; thence north and along the western boundary of said Cottonwood election-precinct to a point directly opposite the head of Marsh Creek, and from thence west to the head of Marsh Creek, the place of beginning, shall be, and the same is hereby, designated and declared to be the Oxford election-precinct.

* * * * *

THOMAS DANIELS,
Chairman of Board.

Attest:

B. F. WHITE,

County Recorder and ex-officio clerk of Board,

By **C. P. JONES,** *Deputy.*

TERRITORY OF IDAHO,

County of Oneida, ss :

I, B. F. White, county recorder, Oneida County, Idaho Territory, and ex-officio clerk of the board of county commissioners of said county, do hereby certify that the above and foregoing are full, true, and complete transcripts from the records of the proceedings of the board of county commissioners of Oneida County, Idaho Territory, from the 9th day of April, A. D. 1872, up to and including the date of this certificate, pertaining to the establishing of election-precincts, appointing places for holding elections, and appointing inspectors and judges of election in said county and Territory.

Witness my hand and the seal of said county at Malad City, Oneida County, Idaho Territory, this 15th day of February, A. D. 1875.

[SEAL.]

B. F. WHITE,

County Recorder and ex-officio Clerk Board of County.

EXHIBIT B.

Abstract of votes cast for Delegate to Congress at the general election held in Oneida County, Idaho, November 3, 1874.

Name of precinct.	Thos. ennett.	S. S. Fenn.	Hon. S. S. Fenn.
Market Lake	33	13	.....
Ross Fork	127	.....	.....
Pleasant Valley	65	.....	.....
Montpelier	2	54	.....
Blackfoot	24	.....	.....
Deep Creek	53	22	.....
Bear River	18	7	.....
Paris	1	Hon. S. S. Fenn...	167
Eagle Rock	82	.....	.....
Cariboo	7	3	.....
Clifton	8	S. S. Fenn.....	79
Soda Springs	8	9	.....
Franklin	32	16	.....
	460	184	246

Certified by us.

THOMAS DANIELS.
GEO. LAKE.
B. F. WHITE.

I certify the within and foregoing to be a true, full, and correct copy of the original abstract on file in my office.

Witness my hand and seal at Malad City this 14th day of February, A. D. 1875.

[SEAL.]

B. F. WHITE,
County Recorder and ex-officio Clerk Board
County Commissioners, Oneida County, Idaho.

EXHIBIT C.

Poll-book Market Lake precinct.

1 F. Peck	24 D. B. Wear
2 T. Livingston	25 T. Gray
3 J. C. Livingston	26 Thos. Mitchel
4 J. C. Kirk	27 O. N. Martin
5 G. W. Livingston	28 J. T. Reed
6 P. Livingston	29 G. W. Vance
7 E. J. Freely	30 E. W. McClean
8 P. Smith	31 J. Page.
9 E. W. Drew	32 W. Hamilton
10 Kori Kohrs	33 Thos. Ennis
11 Thomas Hooleen	34 J. Bonn
12 C. Webster	35 J. Early
13 T. Lowder	36 J. H. Merritt
14 W. E. Anderson	37 Jno. McKay
15 A. R. Wright	38 Thos. Smith
16 Wilird Gibbs	39 J. Rudy
17 J. Stains	40 R. K. Williams
18 C. Hustis	41 James Benson
19 Henry Suthof	42 W. H. Green
20 Wm. Ray	43 O. Ferguson
21 Wm. Osborn	44 F. H. White
22 E. J. Davis	45 Wm. Garland
23 H. J. Haskell	46 August Rutting

TERRITORY OF IDAHO,

County of Oneida, ss :

I hereby certify the above and foregoing to be a true, full, and correct copy of the original poll-book of Market Lake precinct as the same appears on file in my office.

Witness my hand and seal this 14th day of February, A. D. 1875.

[SEAL.]

B. F. WHITE,
County Recorder and ex-officio Clerk Board
County Commissioners, Oneida County.

EXHIBIT D.

Poll-book Eagle Rock precinct, Oneida County, Idaho.

1 John Ripley	4 Eben C. McClure
2 G. W. Bailey	5 Gust Haynes
3 W. L. English	6 Wm. R. Grimes

7 Wm. Farland	45 Thos. McLeod
8 Aug. Miller	46 Timothy Hennery
9 T. W. Wright	47 James Blum
10 Oliver Berrier	48 F. Pierce
11 James Kelly	49 Thos. L. Redd
12 James Henry	50 P. O. Smith
13 James Bailey	51 Jas. Pearce
14 O. Buck	52 Geo. Peters
15 Jas. Mantle	53 M. Mitchel
16 J. W. Barnard	54 Edward Duffy
17 James Morrison	55 Chris. Jones
18 W. P. Osborne	56 Geo. Frink
19 A. Stoner	57 Peter Thomas
20 Geo. Phelps	58 Jno. Somers
21 Peter Kelly	59 Jno. Davis
22 Saml. Warren	60 Thos. E. Green
23 James Carter	61 James Barquerville
24 Henry Call	62 Thos. Calkins
25 James C. Hull	63 Corey Bryan
26 Thos. Hayes	64 Peter Devine
27 E. C. Hilliard	65 Patrick Cassidy
28 Jos. Edmondson	66 Mike Nelson
29 Jacob Warren	67 John Simpson
30 Henry Titson	68 Frank Blackburn
31 E. C. Officeld	69 Mike Leland
32 Thos. Lovering	70 E. M. Williams
33 Chas. Clarkson	71 J. C. Andeson
34 Peter McKnight	72 C. R. Dilley
35 Saml. Keller	73 Frank Brown
36 Silas Miller	74 Lambert Blauyers
37 Mike Corcoran	75 Richard May
38 James Ryan	76 A. J. Burke
39 Abram Kennedy	77 Robert Withrow
40 Thos. D. Baker	78 Ed. W. Lyons
41 James Smith	79 Albert Lyons
42 Patrick Ryan	80 J. F. Barry
43 Thos. Daley	81 Richard Leigh
44 Bernard Ryan	

I hereby certify the above and foregoing to be a true, full, and correct copy of the original poll-list of Eagle Rock precinct as the same appears on file in my office,

Witness my hand and seal this 15th day of February, A. D. 1875.

[SEAL.]

B. F. WHITE,

County Recorder and ex-officio Clerk Board
of County Commissioners, Oneida County.

EXHIBIT E.

Poll-book of Pleasant Valley precinct, Oneida County, Idaho.

1 M. M. Dwine	4 Jame Gibons
2 George Hall	5 C. W. Ward
3 C. B. Odrients	6 Geo. Howard

7 Jno. J. Burck
 8 L. H. Harkness
 9 Lee Mantle
 10 John Green
 11 Abraham Buck
 12 Jordan Smith
 13 Alexander Deen
 14 Jno. Marks
 15 C. L. Brown
 16 Frank Levan
 17 Peter Anderson
 18 J. Dally
 19 Berja Levan
 20 Perry Earl
 21 D. Sperry
 22 John Little
 23 Fred Ward
 24 A. C. Fawtev
 25 Henry Ward
 26 John Lee
 27 James McPherson
 28 James Mendenhall
 29 John Parker
 30 Niphi Goldsmith
 31 Alexander Hunt
 32 J. A. Smith
 33 O. E. Webb
 34 W. Frost
 35 Geo. Louis
 36 James Morse

37 Jno. Huston
 38 A. B. Johns
 39 A. C. Stevart
 40 John D. Kimball
 41 George Sweet
 42 John Mason
 43 Wm. Hill
 44 Dick Osborne
 45 John Biddle
 46 Wm. Smith
 47 John Smith
 48 John Howard
 49 Joseph Hopkins
 50 George Wilson
 51 James Wheeler
 52 Saml. Frazer
 53 William Jones
 54 Geo. Coleman
 55 Alfred Gray
 56 John Jennings
 57 James Hall
 58 Robt. Hall
 59 Richard Murray
 60 Daniel Welkins
 61 John W. Junkins
 62 Frank Hawks
 63 Jim Blake
 64 Harvey Wright
 65 H. O. Harkness

TERRITORY OF IDAHO,

County of Oneida, ss :

I certify the within and foregoing to be a true, full, and correct copy of the Pleasant Valley poll-book as the same appears on file in my office.

Witness my hand and seal this 14th day of February, A. D. 1875.

[SEAL.]

B. F. WHITE,

*County Recorder and ex-officio Clerk Board
County Commissioners, Oneida County.*

EXHIBIT F.

Poll-book Blackfoot precinct, Oneida County, Idaho.

1 F. S. Stevens
 2 Robt. Brown
 3 P. W. Boqua
 4 Wm. Van Gasken
 5 James McTucker
 6 Jos. Warren
 7 David W. Bouvie
 8 J. B. Hocker
 9 Wm. Cogan
 10 Sheep Skin
 11 Hugh Travis
 12 Leon Misslin

13 Peleg Wood
 14 Presto Burrell
 15 John Garrett
 16 Joseph Hayes
 17 F. M. Shoemaker
 18 J. W. Fruit
 19 Charles Higham
 20 John Misslin
 21 James Oliver
 22 E. D. Ray
 23 Andrew Nelson
 24 Mike Fisher

TERRITORY OF IDAHO,
County of Oneida, ss :

I hereby certify that the within and foregoing is a true, full, and rect copy of the original poll-list of Blackfoot precinct as the same appears on file in my office.

Witness my hand and seal this 14th day of February, A. D. 1875

[SEAL.]

B. F. WHITE,
*County Recorder and ex-officio Clerk
 Board of County Commissioners*

EXHIBIT G.

Poll-book of Ross Fork precinct, Oneida County, Idaho.

1 James Anderson	41 J. F. Bell
2 Charles St. Clair	42 Benj. F. Potter
3 W. N. Shilling	43 W. A. Cooper
4 Wm. M. McCay	44 Wm. McNemorrow
5 Wm. Maxwell	45 H. Whitcomb
6 Fred. Salisbury	46 W. Shepard
7 Fred. Hornsman	47 Thos. Bolingbroke
8 A. Cottle	48 T. C. Mitchel
9 John Hannen	49 Jim Narriot
10 Jas. A. Dempsey	50 O. S. Wright
11 Geo. W. Hawkins	51 John N. Norton
12 R. G. Evans	52 Saml. Jones
13 Wm. B. Gardner	53 A. Ferrington
14 James Holcom	54 Major George
15 John Animon	55 John Pocatello
16 Wm. Andros	56 Capt. Pocatello
17 Charles T. Tobey	57 John Bichop
18 Moses Reggles	58 Fair Beard
19 Wm. McCrea	59 Joe Upse
20 Thomas Berry	60 M. Tigh
21 Nephi Maroni	61 John Yank
22 Thomas Ferguson	62 Mike Crea
23 Joe McCarthy	63 Wm. Jones
24 Thos. Donaldson	64 Geo. Holkom
25 J. W. Hanney	65 Jim Oster
26 George Jun	66 Joe Bostwell
27 James Capson	67 N. J. Cane
28 John Squires	68 Dan Keeler
29 Jim Pagnite	69 Benjamin Taylor
30 M. R. Magee	70 Charles Hooplin
31 P. O. Matthews	71 George Jun
32 J. D. Baker	72 George Hays
33 C. S. Hogan	73 Richard M. Warnes
34 W. Y. Itcher	74 John McGinnis
35 E. M. Quimby	75 Charles Gibson
36 A. H. Guyer	76 Julius Mink
37 S. G. Fisher	77 A. Jackson
38 A. T. Stout	78 Franklin Grant
39 J. N. High	79 J. Stout
40 D. B. Carpenter	80 George Jemson

James Freeman	105 John Perskins
James Davis	106 J. Williams
James Johnson	107 Eli Wilcox
Charles Smith	108 M. Tobey
John Williams	109 V. Redin
Wm. Jennings	110 James McLaughlin
Wm Davis	111 Winfield Scott
John Logan	112 Edwin Matland
James Horney	113 Wm. Kelly
Wm. Smith	114 Andrew Rader
Peter Lewis	115 Stephen Simpson
Wm. Lodmus	116 I. Tocashe
Leck Thompson	117 John Ransom
Jeremiah Mann	118 Joseph Millford
George Adams	119 John Spencer
J. N. Johns	120 Charles Reese
C. Perry	121 James Morris
Watts	122 Isaac Williams
Will Tweed	123 Ben Ittsey
James Panamuotsy	124 John Jackson
J. J. Johns	125 Jack Morris
Charles E. James	126 Jno. Liach
Wm. Gibson	127 S. Riddle
J. King	

TORY OF IDAHO,

County of Oneida, ss :

do hereby certify the above and foregoing to be a true, full, and correct copy of the poll-book of Ross Fork precinct on file in my office.

In witness my hand and seal this 15th day of February, A. D. 1875.

[L.]

B. F. WHITE,

*County Recorder and ex-officio Clerk Board County
Commissioners, Oneida County, Idaho Territory.*

EXHIBIT H.

Delegate to Congress.

S. Fenn, v v v v v v v v—45.

T. Bennett, v v v v v v v i—36.

TORY OF IDAHO,

County of Oneida, ss :

Wm. Thomas, being duly sworn, deposes and says that he was one of the clerks of the election held at Malade precinct, Oneida County, Territory, on the 3d day of November, A. D. 1874; that the above is a true, and correct copy of that portion of the tally-sheet kept at the count of the votes cast at said precinct at said election showing the number of votes cast respectively for S. S. Fenn and T. W. Bennett for Delegate to Congress at said election, and that said tally-sheet has been in his possession since said election as one of the clerks of the election.

[L.]

GR. THOMAS.

Subscribed and sworn to before me, E. A. Hollister, clerk district court, third judicial district, Idaho Territory, this 17th day of February, A. D. 1875.

[SEAL.]

Notice to take testimony at Lewiston, Nez Perces County.

BOISE CITY, January 22, 1875.

SIR: You will please take notice that on Monday, the 15th day of February, A. D. 1875, in the city of Lewiston, Nez Perces County, Idaho Territory, before H. O. Adams, notary public in and for Nez Perces County, at his office in the city of Lewiston, I propose to commence the examination of the witnesses whose names are given below. The examination of said witnesses, and others whose names may be furnished you within the time limited by law, will be continued from day to day, and over Sundays and non-judicial days, between the hours of 9 o'clock a. m. and 8 o'clock p. m. of each day, until the same shall be completed. The testimony thus taken is to be used in the contested election case of Delegate to the Forty-fourth Congress of the United States from Idaho Territory, in which I am contestant and you are contestee.

S. S. FENN.

To T. W. BENNETT.

Names of witnesses to be examined in pursuance of the foregoing notice: Warren P. Hunt, J. B. Menomy, D. H. Houser, Charles G. Kreiss, George Demster, Wesley Mulkey.

TERRITORY OF IDAHO,
County of Ada:

I. L. Tiner, being duly sworn, deposes and says that he served the foregoing notice of taking depositions upon T. W. Bennett, the party to whom the same is addressed to, by delivering him personally a true and correct copy thereof, in Boise City, Ada County, Idaho Territory, on Friday the 22d day of January, A. D. 1875.

I. L. TINER.

Subscribed and sworn to before me this 22d day of January, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Depositions at Lewiston.

Be it remembered that, pursuant to the above notice hereto annexed, on this 15th day of February, A. D. 1875, in the matter of contest between S. S. Fenn and T. W. Bennett for Delegate to Congress from Idaho Territory, at my office in the city of Lewiston, Nez Perces County, Idaho Territory, at the hour of half past 9 o'clock a. m., personally appeared for the said S. S. Fenn, W. G. Langford, and no appearance being made for said Bennett, the taking of depositions herein is adjourned until to-morrow at 10 o'clock a. m.

FEBRUARY 16, 1875.

Met pursuant to adjournment, W. G. Langford appearing for S. S. Fenn, and J. M. Howe for T. W. Bennett; whereupon W. P. Hunt, after being duly sworn, testified as follows:

Testimony of W. P. Hunt.

Question 1. State your name, age, and occupation.—Answer. My name is Warren P. Hunt; age, thirty-eight past, and occupation auditor and recorder and *ex-officio* clerk of the board of county commissioners of Nez Perces County, Idaho Territory.

Q. 2. How long have you held such official position?—A. Two years last January.

(Objected to by counsel.)

Q. 3. When was the last general election held in said county and Territory for Delegate to Congress and other officers?—A. On the 3d day of November, A. D. 1874.

Q. 4. As clerk of the board of county commissioners of Nez Perces County, did you receive the poll-books from the different precincts of said county? If yes, state about what time you received them.

(Contestee's counsel objects to the question.)

A. I did; about the 6th of November, 1874.

Q. 5. State how they came to you, whether in envelopes or otherwise.

(Contestee's counsel objects.)

A. They came to me in sealed envelopes addressed to the clerk of the board of county commissioners of Nez Perces County.

Q. 6. Have you in your possession a correct copy of those poll-books?

(Contestee's counsel objects.)

A. I have.

Q. 7. Will you mark those copies "Exhibit A," and annex them to this deposition, making them a part thereof?—A. I will, and hereby do.

(Contestee's counsel objected to the introduction of said poll-books as testimony.)

Q. 8. Does the paper marked "A," which you have just annexed to your deposition, embrace the returns for all the election-precincts of Nez Perces County, Idaho Territory, or only a part of thereof?

(Objection by counsel.)

A. The paper embraces all of them.

Q. 9. What action did you take upon said poll-books after their return to you?

(Objection by counsel.)

A. I summoned H. O. Adams, probate judge of Nez Perces County, Idaho Territory, and J. B. Menomy, county commissioner of Nez Perces county, Idaho Territory, and proceeded to open the poll-books and canvass the votes.

Q. 10. Who canvassed the votes?—A. H. O. Adams, J. B. Menomy, and myself.

Q. 11. Was there an abstract made at that time of the votes cast for Delegate to Congress?

(Objected by counsel.)

A. There was.

Q. 12. From what was it made?

(Objected to.)

A. From the poll-books.

Q. 13. Was that abstract made upon a separate sheet from that of

the vote for members of the legislature, and district, county, and precinct officers ?

(Objected to.)

A. It was.

Q. 14. Were these returns of said poll-books opened by said board of canvassers, and said abstract made publicly or privately ?

(Objected to.)

A. Publicly.

Q. 15. Have you a correct copy of the abstract there made of votes cast for Delegate to Congress in Nez Perces County, Idaho Territory, on November 3, 1874 ?

(Objected to.)

A. I have.

Q. 16. Will you mark said copy "Exhibit B," and attach it to this deposition, making it a part thereof ?

(Counsel objects to the introduction of the abstract and its being made a part of the deposition.)

A. I will, and hereby do.

Q. 16½. Does such Exhibit B contain a correct abstract of all the votes cast for Delegate to Congress in the county of Nez Perces, Idaho Territory, on the 3d day of November, 1874, as returned to you as aforesaid ?

(Objection by counsel.)

A. It does.

Q. 17. About what time was said abstract made ?

(Objection made.)

A. On the 7th day of November, 1874.

Q. 18. What did you do with said abstract after it was made out ?

(Objected to.)

A. I placed it on file in my office.

Q. 19. Did you make out a copy thereof and send it to any person or officer ?

(Objected to.)

A. I did ; I sent it to the secretary of Idaho Territory.

Q. 20. How did you inclose it and send it ? State the manner.

(Objected to.)

A. I inclosed it in an envelope, sealed it, directed it to the secretary of Idaho Territory, Boise City, Idaho Territory, indorsed, "Election-returns of Nez Perces County, Idaho Territory," and deposited it in the post-office at Lewiston for transmission by mail, with sufficient postage-stamps.

Q. 21. About what time did you deposit this abstract in the post-office, as aforesaid ?

(Objected to.)

A. Between the 7th and 14th days of November, 1874.

Q. 22. How many persons were running for Delegate at said election, and whom ?

(Objected to.)

A. Two were all that I know of : S. S. Fenn and T. W. Bennett.

Q. 23. State whether you and the other canvassers in their actions above detailed acted in good faith, with a design to comply with the election-laws of the Territory of Idaho.

(Objected to.)

A. I did, and I think the others did.

Q. 24. After the canvass made as aforesaid, what was done with the original poll-books and said abstracts ?

(Objected to by counsel.)

A. They were filed away in my office.

Q. 25. Was there another canvass made of these same votes from the same poll-books? If so, when and by whom?

(Objection by counsel.)

A. There was, on the 14th day of December, 1874, by the board of county commissioners of Nez Perces County, Idaho Territory.

Q. 26. State what action you took to bring about this second canvass.

(Objection made by counsel.)

A. I notified the board of county commissioners that the first canvass had not been accepted, and that I wanted them to make a recanvass.

Q. 27. On this notice, what did the county commissioners do?

(Objected to by counsel.)

A. They met on the 14th day of December, 1874, and recanvassed the vote.

Q. 28. Did they make said recanvass publicly or privately?

(Objected as before.)

A. Publicly.

Q. 29. At what place?

(Objected to.)

A. At the office of the clerk of the board of county commissioners, at the county-seat of Nez Perces County, Idaho Territory.

Q. 30. What were the names of said county commissioners?

(Objection by counsel.)

A. D. H. Howser, George Dempster, and J. B. Menomy.

Q. 31. From what poll-books and returns did they make such recanvass?

(Objected to by counsel.)

A. The same that the first canvass was made from, as before stated.

Q. 32. Was there any canvass and abstract of the votes cast for Delegate to Congress from Idaho Territory, on the 3d day of November, 1874, then made by said board of county commissioners?

(Objected to by counsel.)

A. There was.

Q. 33. Have you a copy of that abstract then made by said board of county commissioners of the vote for Delegate to Congress from Idaho Territory of Nez Perces County, Idaho Territory?

(Objections by counsel.)

A. I have.

Q. 34. Will you mark said copy of abstract "Exhibit C," and make it a part of this deposition?

(Objection made by counsel to the introduction of said copy of abstract.)

A. I will, and hereby do.

Q. 35. State where were the poll-books kept between the time of the first canvass which you have mentioned and the second canvass.

(Objection as before.)

A. At my office, locked up in a desk.

Q. 36. Was it possible or were the said poll-books and returns ever changed or tampered with between the two canvasses?

(Objection made by counsel.)

A. They were not tampered with nor changed.

Q. 37. Did you as clerk of said board of county commissioners ever make out and send to the secretary of the Territory of Idaho, at Boise City, Idaho Territory, correct and certified copies of the abstract

made by the county commissioners at the time and place before mentioned?

(Objection made by counsel.)

A. I did. I sent two different ones.

Q. 38. About what time did you send the first one, how was it inclosed and directed, and was the proper amount of postage-stamps placed upon it, and where was it deposited for carriage and by whom?

(Objection noted.)

A. I sent the first one between the 14th and 20th days of December, 1874, inclosed in an envelope properly sealed and stamped, directed to the secretary of Idaho Territory, Boise City, Idaho Territory, and by myself placed in the post-office at Lewiston, I. T., for carriage.

Q. 39. At what time did you send the second correct and certified transcript of said abstract, made by said board of county commissioners, as aforesaid, to the secretary of the Territory of Idaho, at Boise City, Idaho Territory?

(Objected to by counsel.)

A. Between the 12th and 20th days of January, 1875.

Q. 40. What were the reasons for your making out and sending the second copy?

(Objected to as before.)

A. I heard that the first copy was not opened by the secretary of the Territory because it was not indorsed "Election-returns from Nez Perces County, Idaho Territory."

Q. 41. State how the second copy of the abstract aforesaid was inclosed, stamped, directed, indorsed, and deposited for carriage.

(Objection as before.)

A. It was inclosed in an envelope properly sealed, stamped, and directed to the secretary of the Territory of Idaho, at Boise City, Idaho Territory, indorsed "Election-returns from Nez Perces County, Idaho Territory," and placed in the post-office at Lewiston, Idaho Territory, for carriage, by myself.

Q. 42. Did the secretary of Idaho Territory, or any of the territorial canvassers thereof, ever request you to transmit returns of a vote of Nez Perces County, Idaho Territory, of November 3, 1874, for Delegate to Congress?

(Objected to as before.)

A. They did not.

Q. 43. Were the above canvass and abstracts made in good faith, and do they show a correct vote of Nez Perces County, Idaho Territory, cast for Delegate to Congress of said Territory, on the 3d day of November, 1874?

(Objection by counsel.)

A. They were made in good faith and according to the poll-books returned to me; they are true, and I believe they exhibit the correct vote.

Cross-examination:

Q. 44. In what capacity did H. O. Adams, J. B. Menomy, and yourself act in canvassing the vote, as you stated in your direct testimony?

A. H. O. Adams as probate judge; J. B. Menomy as county commissioner, and myself as clerk of the board of county commissioners, acting as canvassers.

Q. 45. Was H. O. Adams, probate judge, and H. O. Adams, now taking these depositions, one and the same person?—A. They are.

Q. 46. How many days from the day of election to the time when all the election-returns were received?—A. Three days.

Q. 47. Was the canvass taken immediately upon the receipt of the poll-books and returns aforesaid?—A. They all came on, and before the 6th day of November, 1874, and the canvass was made on the 7th, the next day.

Q. 48. In answer to the question, in your direct examination, as to how many candidates were running for Delegate to Congress for Idaho Territory at said election, your answer is, "only two that I know of." Now the question is, do you know, of your own knowledge, that there were not more than two candidates running for Delegate to Congress for said Territory at said election?—A. I do not.

Q. 49. How many days between the date of the first canvass and that of the second of said returns?—A. Thirty-seven days.

Q. 50. Whence did you obtain knowledge that the first canvass had not been accepted?—A. By reading the proclamation of the governor of the result of the canvass.

Q. 51. Had you information of the reasons why said canvass was not recognized by the board of territorial canvassers? If so, what was it?—A. I had, and that the reason why they were not recognized was that the canvass was not made by the proper officers; that is, the vote of Nez Perces County, Idaho Territory.

Q. 52. When the said H. O. Adams, J. B. Menomy, and yourself met to canvass said returns on said 7th day of November, 1874, by whom was the said returns unsealed?—A. As near as I can recollect, Judge Adams opened them.

Q. 53. Were the returns sealed up again immediately after the canvass?—A. They were not.

Q. 54. Did any person ask to inspect the returns at any time after the canvass?—A. No.

Q. 55. What was done with the original abstracts drawn from the poll-books?—A. They were placed on file in my office.

Q. 56. Were said abstracts open to the inspection of the public?—A. They were.

Q. 57. Were they inspected by any unofficial person before the second count?—A. I think not. There were several persons present during the canvassing, who examined them.

Redirect examination:

Q. 58. In your direct examination you stated that after the first canvass you locked the returns and abstracts and poll-books in your desk, under lock and key; in your cross-examination you state that they were open to the public, but no one inspected them between the canvasses. What do you mean by the expression "open to the public"?—A. I mean, if any one had called to see them I would have shown them.

W. P. HUNT.

Adjourned until to-morrow at 9 o'clock a. m.

FEBRUARY 17, 1875.

Met pursuant to adjournment; present as before.

Whereupon JOHN B. MENOMY, after being duly sworn, testified as follows:

Testimony of John B. Menomy.

Question 1. State your name, age, and occupation.—Answer. My name is John B. Menomy; age, forty-seven, and occupation, carpenter.

Q. 2. Have you been a county officer of Nez Perces County, Idaho Territory? If so, what office have you held, and how long have you held it?

(Objected to by contestee's counsel.)

A. I was county commissioner, and served from January, 1874, to January, 1875.

Q. 3. On or about the 7th day of November, 1874, were you notified as such county officer to canvass the vote of Nez Perces County aforesaid?

(Objected to as before.)

A. I was so notified by the clerk of the board of county commissioners.

Q. 4. What did you do in pursuance of said notice?

(Objected to as before.)

A. We assembled at the clerk's office, (the clerk of the board of county commissioners,) at the county-seat of said county, and proceeded to count the votes for the county.

Q. 5. Who were associates with you as canvassers in making said count?

(Objected to.)

A. The board of canvassers consisted of the clerk of the board of county commissioners, the probate judge, and myself as one of the county commissioners.

Q. 6. Did said board of canvassers, so constituted, open the envelopes containing the poll-books from the different precincts of Nez Perces County? If so, state the manner as near as you can recollect.

(Objected to.)

A. The board did open the envelopes containing the poll-book and proceeded to count the votes by precincts.

Q. 7. Would you, by examination, recognize a copy of the poll-books opened and counted as aforesaid?

(Objected to as before.)

A. I would so recognize them. I have seen the copies made by the clerk of the board of county commissioners, and compared them.

Q. 8. Examine copies marked "Exhibit A," and attached to the foregoing deposition of Warren P. Hunt, and state whether they are correct copies of the original poll-books opened and counted as you have detailed above.

(Objected to.)

A. I have before examined them in the clerk's office, and they are correct copies of the original poll-books canvassed as aforesaid.

Q. 9. Did the canvassers aforesaid make out an abstract of the votes cast in said county for Delegate to Congress on the 3d day of November, 1874? If so, would you recognize a copy of said abstract?

(Objected to by counsel.)

A. They did; and I would recognize a copy of the same.

Q. 10. Examine Exhibit B, attached to the foregoing deposition of Warren P. Hunt, and state what the same is.

(Objected to as before.)

A. I have examined the same and find it a true copy of the abstract made at that time.

Q. 11. State whether you have compared this copy with the original abstract.

(Objected to by counsel.)

A. I have not.

Q. 12. How, then, do you recognize it as a true copy?

(Objected to.)

A. The way I recognize it is, that I paid particular attention in examining the original when it was drawn up. I have canvassed them twice.

Q. 13. Examine this paper, and state whether it is the original abstract, and compare it with the aforesaid copy marked "B," and state whether the first of said papers is the original abstract made as aforesaid, and if Exhibit B is a true copy thereof.

(Objected to.)

A. I have examined the first paper and recognize it as being the original abstract made at the time aforesaid, and compared it with Exhibit B aforesaid, and find that Exhibit B is a true copy of the same.

Q. 14. Was said canvass made with open doors and publicly, or in private?

(Objected to.)

A. It was made publicly.

Q. 15. Was said canvass made in good faith, or was it made with fraudulent intent?

(Objected to.)

A. It was made in good faith.

Q. 16. Did you and Judge Adams and the clerk sign the certificate to the abstract?

(Objected to.)

A. We did sign them at that time.

Q. 17. Does said abstract exhibit all of the votes cast in said county for Delegate to Congress on November 3, 1874, as appeared from said returns?

(Objected to as before.)

A. Yes, it does.

Q. 18. Were you ever present at a second canvass of said votes of said county for November 3, 1874?

(Objected to.)

A. I was present.

Q. 19. State where and when the second canvass was made?

(Objected to.)

A. The second canvass was made in the city of Lewiston, at the clerk's office of the board of county commissioners; the day and date I do not recollect.

Q. 20. Who constituted said second board of canvassers?

(Objected to.)

A. The board of county commissioners of Nez Perces County, Idaho Territory.

Q. 21. Were you one of that board?

(Objected to.)

A. I was one of that board.

Q. 22. From what poll-books and returns was this second canvass made?

(Objected to.)

A. From the original poll-books and returns; the same from which the canvass was made before.

Q. 23. Examine this paper and state if you recognize it.

(Objection as before.)

A. I do recognize it.

Q. 24. State what it is.

(Objection made.)

A. It is the original abstract made at the second count by the board of county commissioners.

Q. 25. Examine Exhibit C, attached to the foregoing deposition of Warren P. Hunt, and state whether it is a correct copy of said original abstract.

(Objection made.)

A. I have just now compared them and find Exhibit C to be a correct copy of the original abstract.

Q. 26. Was said second canvass of the returns of said election of Delegate to Congress made in good faith, and does said abstract give a correct return according to said canvass?

(Objected to by counsel.)

A. The canvass was made in good faith, and the abstract gives a correct return according to said canvass.

Q. 27. In making the first canvass aforesaid, did you officiate with the belief that you were making the same officially and according to law, or from some other motive?

(Objected to by counsel.)

A. I understood it as being part of my duties, as county commissioner, on being notified by the clerk of the board, and acted from no other motive.

Q. 28. For what reason did you make the second canvass?

(Objected to as before.)

A. The only reason that I know was that a report came from Boise that the first count was illegal, and I was notified by the chairman of the board to meet for the purpose of recanvassing the vote.

Q. 29. What were the official positions and the names of the first canvassing board?

(Objected to.)

A. W. P. Hunt was clerk of the board of county commissioners; H. O. Adams, probate judge, and myself county commissioner for the first district; all county officers of Nez Perces County, Idaho Territory.

Q. 30. State the names and official positions of the canvassing board who made the second count as aforesaid.

(Objected to.)

A. The second board consisted of the board of county commissioners, D. H. Howser, of the second district; George Dempster, from the third, and myself of the first district of Nez Perces County, Idaho Territory, together with the clerk of the board of county commissioners, Warren P. Hunt.

Q. 31. State about the distance from here to the residences of said Howser and Dempster.

(Objected to.)

A. I do not know.

Q. 31½. Was the second canvass made publicly or privately?

(Objected to by counsel.)

A. It was made publicly, at the county-seat of Nez Perces County, Idaho Territory.

Cross-examination:

Q. 32. What was the official capacity of the first board of canvassers, and each of their names?—A. The board consisted of Warren P. Hunt, clerk of the board of county commissioners; H. O. Adams, probate judge, and myself as county commissioner of the first district, all of Nez Perces County, Idaho Territory.

Q. 33. Which one of the board unsealed the returns?—A. If my memory serves me right, it was H. O. Adams.

Q. 34. Do you now consider that to have been a legally-constituted board of canvassers?—A. I do.

Q. 35. What method of examination do you employ that enables you to pronounce said first paper to be the original abstract and a correct copy of the returns aforesaid as appears in your answer to the thirteenth interrogatory in your direct examination?—A. My reason is that I took the copies and compared each abstract with the original, and I know the original abstract because I have seen it so often.

Q. 36. Do you know that there is no discrepancy between the result of the canvass, as appears in the original abstract, and that of the returns of all the votes cast at said election in said county?—A. There is a discrepancy in the vote cast for district attorney, of either fifteen or sixteen votes. This occurred by an oversight in counting the vote.

Q. 37. How and when were you apprised that said first canvass was not taken according to law?—A. My first apprisement was by a rumor on the streets, and secondly by the chairman of the board of county commissioners notifying me to meet to recount the vote.

Q. 38. In what manner were you notified?—A. I was notified personally by the chairman of the board of county commissioners, verbally.

Q. 39. Was the said second canvass made at a regular or a special meeting of the board of county commissioners?—A. It was made at a special session of the board, called to meet for the purpose of recounting the vote.

Q. 40. Was the said meeting ordered by a majority of the said board?—A. It was ordered by a majority of the board.

Q. 41. Was it in writing?—A. It was not; the law does not require it where the board is all present.

Q. 42. Did the order specify the business to be performed?—A. It did.

Q. 43. Did you join in the order?—A. I did.

Q. 44. Was the order entered on the records of the board?—A. I cannot say positively whether it was or not.

Q. 45. Can you tell by an examination of the records whether it was so entered?—A. I can.

Q. 46. Examine the record and state if any order for said special session of the board of county commissioners was entered therein; also if any records of the proceedings of the said board of canvassers is contained in said records of said board of county commissioners relative to the said canvass of the said votes for Delegates to Congress, or other officers, cast at said election in said county.—A. I have examined the records and find no entry of said order, or of the proceedings of the board at that time.

Re-examination:

Q. 47. Was there a full board of said county commissioners at the time said second canvass was made, present at said canvass?—A. There was a full board present at the time.

Q. 47½. Did all of the county commissioners present at that time participate in the said canvass?—A. They did all participate.

Q. 48. Did any of them object to said canvass?—A. There was no objection made.

Q. 47. State the reason, if you know any, why a record was not kept of the proceedings of said board at that meeting?

(Objected to.)

A. I know of no reason except that the chairman of the board said it was not necessary, because it was a special meeting for that purpose.

Q. 50. Was the omission made from any fraudulent design?

(Objected to by counsel.)

A. No, sir; it was not.

Q. 51. In identifying the original abstracts made of the two different canvasses did you perceive the signatures of yourself and the other canvassers which you knew to be genuine?

(Objected to by counsel.)

A. In the first abstract I recognized the signatures of W. P. Hunt and my own to be genuine. The probate judge's I was not sufficiently familiar with to know. In the second abstract I recognized them all.

Q. 52. Did you examine said original abstracts to-day, in the presence of the counsel of the contestee, and before the said counsel compare the said originals with said copies?

(Objected to as before.)

A. I did.

Q. 53. In inspecting and comparing said original abstracts with the copies, did the counsel of the contestee have an opportunity to see and examine both the original abstracts and the copies thereof?

(Objected to by counsel.)

A. He did.

Q. 54. Did said counsel for said contestee examine said abstracts and copies?

(Objected to.)

A. I am not sure whether he did or not.

Recross-examination:

Q. 55. Did you in your direct examination to-day compare the original abstracts with the poll-books and returns of the said votes cast at the said election in said county?—A. I examined them on Sunday last, but did not do so to-day.

J. B. MENOMY.

Adjourned until 9 o'clock to-morrow morning.

Objection of contestee.

FEBRUARY 18, 1875.

Met pursuant to adjournment; present, as before.

Now comes the returned Delegate, T. W. Bennett, by his attorney, J. M. Hume, and presents his objections to the further taking of testimony in the above contested matter, between the said Bennett and the said S. S. Fenn, before the said H. O. Adams, upon the following grounds, viz: That the said H. O. Adams is not now, nor at the time of giving notice to the said Bennett was he, a notary public in the county of Nez Perces, nor in the Territory of Idaho, not having filed his bond nor oath of office in the office of the secretary of Idaho Territory, as required by the statutes of said Territory; and the said Bennett, by his said attorney, further presents that the reason why this objection was not made before is that this is the first opportunity presented since the existence of such facts came to the knowledge of said Bennett, or his said attorney. Therefore the said Bennett, by his said attorney, gives notice to the said Fenn that he, the said Bennett, withdraws his appearance from before the said H. O. Adams.

J. M. HUME,
Attorney for T. W. Bennett.

Whereupon CHARLES G. KRESS, after being duly sworn, testified as follows :

Testimony of Charles G. Kress.

Question 1. State your name, age, and occupation.—Answer. My name is Charles G. Kress; age, thirty-two, and occupation, watch-maker.

Q. 2. Were you present at the clerk of the county commissioners' office of Nez Perces County, Idaho Territory, on the 7th day of November, 1874, at the canvass of the election-returns of said county?—A. I was.

Q. 3. Can you state the names of the canvassers acting on said occasion? If so, state them.—A. The names of the canvassers were H. O. Adams, probate judge; John B. Mowray, county commissioner, and Warren P. Hunt, clerk of the board of county commissioners.

Q. 4. State whether said canvass appeared to be fairly and publicly conducted.—A. It did.

Q. 5. State if said board of canvassers, or any of them, announced publicly the result of the election in each precinct?—A. The result of each precinct was announced publicly as they were counted, by one of the board of canvassers.

Q. 6. Did you keep tally of those results, thus announced?—A. I had a memorandum of each precinct as the polls were brought in and found them to tally with the votes as they were canvassed by the board.

Q. 7. Have you at any time been clerk of the board of county commissioners of Nez Perces County, Idaho Territory, when a canvass was made of the vote of said county for Delegate to Congress and other officers? If so, state when; and how the board of canvassers were constituted.—A. I was clerk of the board of county commissioners of said county in June, 1870, when the vote of Nez Perces County was canvassed for Delegate to Congress and other officers, and the board of canvassers was composed of A. Gilman, probate judge, C. A. Thatcher, justice of the peace, and myself as clerk of the board of county commissioners.

Q. 8. State whether the abstract of said vote for Delegate to Congress was then made by said board, and, if so, state whether you forwarded a copy of the same to the secretary of Idaho Territory.—A. An abstract of the vote for Delegate to Congress was made by said board of canvassers, and a certified copy of the same was forwarded by me to the secretary of the Territory.

Q. 9. Was the abstract so sent, received and counted by the territorial canvassers of that year? State what you know about it.—A. The abstract was received and acknowledged by the secretary of the Territory, and counted by the territorial board of canvassers, and no objection was made to the same.

Q. 10. State, if you know, how any other board of canvassers of the vote of said county for Delegate to Congress and other officers have been constituted.—A. The board of canvassers in November, 1872, was constituted for canvassing the vote for Delegate to Congress and other officers in said county, by H. O. Adams, probate judge, Moses Hexter, county commissioners, and C. A. Thatcher, clerk of the board of commissioners.

Q. 11. State whether the returns of the last-named canvass for Delegate to Congress was canvassed and counted by the territorial canvassers.—A. It was canvassed and counted by the same territorial board of canvassers, of that year, which was constituted by the same persons

who constituted the board of canvassers of the vote of November 3, 1874, for said Territory.

CHAS. G. KRESS.

Adjourned until to-morrow, at 10 o'clock a. m.

FEBRUARY 19, 1875.

Met pursuant to adjournment. Present, as before, with the exception of contestee's counsel, withdrawn.

There being no witness present, adjourned until to-morrow at 10 o'clock a. m.

FEBRUARY 20, 1875.

Met pursuant to adjournment. Present, as on yesterday.

No witnesses being present, the further taking of testimony in the matter of contest between S. S. Fenn and T. W. Bennett is hereby adjourned *sine die*.

H. O. ADAMS,
Notary Public.

EXHIBIT A.

Poll-book of an election held at the court-house in the precinct of Lewiston in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874.

1 G. S. Penney	30 Geo. Hall
2 Sam. Phinney	31 C. C. Bunnell
3 Andrew Cavanaugh	32 John Silcott
4 Jo. Lutrell	33 Geo. Lawhorn
5 Mart Martin	34 Al. Viles
6 C. Spaulding	35 Marianna Louis
7 James McGrane	36 C. P. Coburn
8 M. Miller	37 Frank Enderlin.
9 Thos. H. Mason	38 Louis Grostine
10 Thos. Hudson	39 Frank Newell
11 H. C. Faxon	40 W. C. Davis
12 Jo. Vanaux	41 Ira Bell
13 R. Hurley	42 John G. Berry
14 J. Shultz	43 John Bland
15 A. Leland	44 M. Gabney
16 Thos. Holland	45 H. Crites
17 John Weisgerber	46 H. P. McGinnis
18 W. P. Hunt	47 Chas. Marvin
19 A. Gilman	48 John A. Leach
20 M. A. Kelley	49 John Murry
21 Jacob Lipsic	50 W. C. McKearn
22 Geo. Frieze	51 J. Crooks
23 S. Wilental	52 F. Creely
24 Nicolas Hale	53 Alec Foster
25 Jo. Alexander	54 A. R. Warren
26 G. L. Elliott	55 J. A. Oserman
27 James Dyer	56 Michel Dowd
28 G. Krebs	57 G. W. Hawk
29 J. D. Martin	58 W. S. Owen

- | | |
|------------------------|-----------------------|
| 59 S. A. Newell | 115 H. Loewenberg |
| 60 R. Grostine | 116 W. A. Colwell |
| 61 L. B. Boise | 117 Geo. Glass |
| 62 Columbus Walker | 118 W. S. Dyer |
| 63 S. C. Thompson | 119 Abraham Aglestine |
| 64 John Denney | 120 Wm. Porter |
| 65 J. Rand | 121 Frank Avara |
| 66 Frank Holt | 122 N. B. Dutro |
| 67 E. Bunker | 123 E. Harris |
| 68 John Williams | 124 D. Wardwell |
| 69 W. H. Sawyer | 125 J. B. Menomy |
| 70 Frank Chambers | 126 Thos. Pierce |
| 71 John Dowd | 127 Clowdy Swemer |
| 72 Michael Lexton | 128 Wm. Sigler |
| 73 A. F. Griffith | 129 S. G. Hale |
| 74 H. Morris | 130 J. M. Dormer |
| 75 John Black | 131 H. Squir |
| 76 Nathan Gale | 132 J. M. Howe |
| 77 C. G. Kress | 133 W. Scott |
| 78 W. A. Curry | 134 S. S. Slater |
| 79 J. J. Bonner | 135 R. W. Hill |
| 80 M. T. Chambers | 136 W. H. Wichard |
| 81 P. Whitman | 137 Saml. Holt |
| 82 H. O. Adams | 138 Henry Tremble |
| 83 Jo. Shipler | 139 H. Weisgerber |
| 84 Elias Winklebal | 140 Thos. Hess |
| 85 Geo. A. Myers | 141 G. L. Rogers |
| 86 Geo. Maning | 142 John Brearley |
| 87 A. Binnard | 143 Orin Merrill |
| 88 C. Winch | 144 J. G. Baldwin |
| 89 C. Allen | 145 Raymond Soux |
| 90 C. A. Thacher | 146 Isaac Repp |
| 91 E. R. Sheldon | 147 Dave Monroe |
| 92 J. Riley | 148 J. Wagner |
| 93 B. Loewenberg | 149 Wm. Ceter |
| 94 John Clark | 150 John H. Hill |
| 95 Thos. F. Montgomery | 151 W. C. Whitson |
| 96 D. Ringhe | 152 D. B. Baldwin |
| 97 August Milk | 153 James H. Alvord |
| 98 Wm. Whelfr da | 154 Caleb Cooper |
| 99 William Lampson | 155 W. C. David |
| 100 P. H. Howe | 156 John Canbrige |
| 101 M. M. Williams | 157 A. Benson |
| 102 Chas. Sheyder | 158 R. Crandall |
| 103 Leo Delpox | 159 C. Weisgerber |
| 104 J. A. Miller | 160 J. Desmukes |
| 105 James Hall | 161 C. Faunce |
| 106 L. Wiggins | 162 J. B. Baldwin |
| 107 James Gage | 163 Emmett Miller |
| 108 Dan. McElwe | 164 Ezra Baird |
| 109 J. Q. Moxley | 165 J. B. Rowley |
| 110 J. M. Curry | 166 L. Rowley |
| 111 A. Bittner | 167 W. Mulkey |
| 112 C. W. C. Dunwell | 168 D. J. Warner |
| 113 Dr. Stanton | 169 H. Gale |
| 114 J. P. Volmer | 170 M. Nolan |

171 N. B. Holbrook	182 A. McGregor
172 Owen Casy	183 Geo. Mitchell
173 J. R. Vincent	184 R. J. Monroe
174 G. M. Shult	185 T. Warden
175 Frank Curran	186 Chas Troupe
176 Edward Hannegan	187 Peter Damas
177 Wm. Leach	188 John Story
178 Geo. H. Anderson	189 T. S. Billings
179 Saml. Lewis	190 E. B. True
180 Andy Wilkins	191 Thos. Clark
181 E. Texier	192 Thos. Newell, (sworn.)

At an election held at the court-house, in the precinct of Lewiston, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names for the following-described offices, to wit:

S. S. Fenn had 123 votes for Delegate to Congress.
T. W. Bennett had 66 votes for Delegate to Congress.
John Clark had 119 votes for district attorney.
J. M. Howe had 1 vote for district attorney.
L. P. Brown had 61 votes for member of legislative council.
M. A. Kelley had 92 votes for member of legislative council.
D. H. Howser had 20 votes for member of legislative council.
Hazen Squeir had 102 votes for member of house representatives.
William Goats had 72 votes for member of house of representatives.
J. C. Naldrip had 84 votes for member of house of representatives.
J. J. Bonner had 110 votes for member of house of representatives.
H. O. Adams had 66 votes for probate judge.
John G. Berry had 121 votes for probate judge.
D. B. Baldwin had 99 votes for sheriff.
E. Baird had 88 votes for sheriff.
E. Hannegan had 95 votes for county surveyor.
W. C. Pearson had 95 votes for assessor.
J. W. Northrup had 90 votes for assessor.
W. P. Hunt had 130 votes for recorder.
James McGrane had 56 votes for recorder.
H. W. Stanton had 105 votes for treasurer.
G. L. Rogers had 81 votes for treasurer.
T. S. Billings had 90 votes for county superintendent public instruction.
J. Q. Moxley had 96 votes for county superintendent public instruction.
J. H. Evens had 93 votes for county commissioner for district No. 1.
M. M. Williams had 94 votes for county commissioner for district No. 1.
F. B. King had 85 votes for county commissioner for district No. 2.
George Dempster had 86 votes for county commissioner for district No. 3.
D. J. Warner had 67 votes for justice of the peace.
G. W. Anderson had 22 votes for justice of the peace.
J. R. Vincent had 20 votes for justice of the peace.
G. H. Manning had 9 votes for justice of the peace.
W. H. Wishard had 7 votes for justice of the peace.
W. H. Sawyer had 12 votes for road supervisor.

W. H. Sawyer had 12 votes for constable.

R. J. Nouroe had 6 votes for constable.

Certified by us :

JOHN STORY,
T. S. BILLINGS,
WESLEY MULKEY,
Judges of Election.

Attest:

E. B. TRUE,
D. J. WARNER,
Clerks of Election.

Poll-book of an election held at the house of Mulkey and Glass, in the precinct of Lake, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874.

No. Names of voters.

1 F. M. Redfield
2 Walter M. Fee
3 George H. Johnston
4 James Flinn
5 William Stevenson
6 David Johnston

No. Names of voters.

7 John Oliver
8 Phillip S. Smith
9 A. J. Glass
10 Thomas Geurin
11 James Mulkey



At an election held at the house of Mulkey and Glass, in the precinct of Lake, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, 1874, the following-named persons received the number of votes annexed to their respective names for the following-described offices, to wit:

S. S. Fenn had 8 votes for Delegate to Congress.

T. W. Bennett had 3 votes for Delegate to Congress.

John Clark had 5 votes for district attorney.

D. H. Howser had 4 votes for member of legislative council.

L. P. Brown had 3 votes for member of legislative council.

M. H. Kelley had 4 votes for member of legislative council.

J. C. Waldrip had 4 votes for house of representatives.

J. J. Bonner had 4 votes for house of representatives.

Hazen Squeir had 6 votes for house of representatives.

William Groat had 6 votes for house of representatives.

J. G. Berry had 10 votes for probate judge.

H. O. Adams had 1 vote for probate judge.

Ezra Baird had 5 votes for sheriff.

D. B. Baldwin had 6 votes for sheriff.

J. W. Northrup had 5 votes for assessor.

W. C. Pearson had 6 votes for assessor.

James McGrane had 5 votes for recorder.

W. P. Hunt had 5 votes for recorder.

H. W. Stanton had 6 votes for treasurer.

George L. Rogers had 5 votes for treasurer.

M. M. Williams had 5 votes for county commissioner for the first district.

F. B. King had 6 votes for county commissioner for the second district.

J. Q. Moxley had 5 votes for superintendent of public schools.

T. S. Billings had 6 votes for superintendent of public schools.

E. Hannegan had 5 votes for surveyor.
Certified by us :

THOMAS H. GUER
J. L. MULKEY,
A. J. GLASS,
Judges of Elect

Attest:
F. M. REDFIELD,
W. M. FEE,
Clerks of Election.

Poll-book of an election held at the house of F. J. Moore, in the precinct of Cottonwood, in the county of Nez Perces, Territory of Idaho, on the 1st day of November, A. D. 1874.

No.	Names of voters.	No.	Names of voters.
1	Patrick Surdivel	8	Thomas Stanton
2	Samuel Harty	9	John Hailey
3	G. W. Hashagan	10	John Hotelling
4	F. J. Moore	11	Thomas Lodow
5	P. H. Ready	12	Earnest Smith
6	M. A. Gilboa	13	John Gordon
7	Joseph Galbrith	14	D. H. Telcher

At an election held at the house of F. J. Moore, in the precinct of Cottonwood, in the county of Nez Perces, Territory of Idaho, on the 1st day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names for the following described offices, to wit :

S. S. Penn had iiiiii votes for Delegate to Congress.
T. W. Bennett had ii votes for Delegate to Congress.
John Clark had iiiiii votes for district attorney,
L. P. Brown had iiiiii votes for member of legislative council.
Dr. M. C. Kelly had i vote for member of legislative council.
D. H. Howser had i vote for member of legislative council.
Hazen Squeir had iiiiii votes for house of representatives.
William Groat had iiiiii votes for house of representatives.
J. C. Waldrip had ii votes for house of representatives.
J. J. Bonner had i vote for house of representatives.
H. O. Adams had iiiiii votes for probate judge.
J. G. Berry had iiiiii votes for probate judge.
D. B. Baldwin had iiiiii votes for sheriff.
E. Baird had iiiiii votes for sheriff.
W. C. Pearson had iiiiii votes for assessor.
J. W. Northrup had iii votes for assessor.
W. P. Hunt had iiiiii votes for recorder.
James McGraw had ii votes for recorder.
G. L. Rogers had iiiiii votes for treasurer.
H. W. Stanton had iii votes for treasurer.
J. H. Evans had iiiiii votes for county commissioner for the district.

T. S. Billings had iiiiiiiiiiiiii votes for superintendent of public instruction.

J. Q. Moxley had ii votes for superintendent of public instruction.

P. White had iiiiiiiiiiiiii votes for road supervisor.

T. L. Nard had i vote for road supervisor.

E. Hannegan had ii votes for surveyor.

Certified by us :

SAMUEL HARTY,
F. J. MOORE,
G. W. HASHAGAN,
Judges of Election.

Attest :

P. H. READY,
EDWARD BYROM,
Clerks of Election.

Poll-book of an election held at the house of L. P. Brown, in the precinct of Mt. Idaho, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874.

- | | |
|----------------------|----------------------|
| 1 G. Leper | 37 E. Atkinson |
| 2 G. A. Frost | 38 James L. Crooks |
| 3 J. O. Eccles | 39 W. J. Kelley |
| 4 B. F. Evens | 40 W. S. M. Williams |
| 5 S. W. Reynolds | 41 H. H. Wheeler |
| 6 William Gaddy | 42 J. J. McNamara |
| 7 D. B. Randall | 43 J. McPherson |
| 8 Silas Johns | 44 James McDermott |
| 9 T. Girten | 45 A. D. Bartley |
| 10 James Buchanan | 46 J. F. West |
| 11 Joseph Fountain | 47 James Atkinson |
| 12 B. R. Wilmot | 48 W. W. Armstrong |
| 13 John Johnston | 49 N. Tormoy |
| 14 John Perterson | 50 Edward Jarrett |
| 15 Joseph Benoy | 51 Seth Jones |
| 16 N. Markham | 52 Michael Hatten |
| 17 M. H. Rice | 53 R. J. Devine |
| 18 J. M. Dorman | 54 G. W. Bingham |
| 19 Clements | 55 J. C. Harris |
| 20 F. M. Rice | 56 E. F. Jarrett |
| 21 Elias Vickers | 57 G. D. Smith |
| 22 J. R. Atkison | 58 C. W. Acox |
| 23 Charles Rice | 59 D. S. Sebastian |
| 24 John P. Meduna | 60 John Fields |
| 25 A. S. Hunt | 61 John Montgomery |
| 26 F. B. King | 62 M. Rudolph |
| 27 Francis St. Clair | 63 Alexander Barring |
| 28 C. M. Day | 64 Judd Sebastian |
| 29 Andrew McGuire | 65 H. C. Johnson |
| 30 Thomas Delaney | 66 J. W. Eastman |
| 31 C. P. Clingham | 67 M. H. Truscott |
| 32 James Jarrett | 68 C. Oberman |
| 33 Elijah West | 69 Isreal Chapman |
| 34 Levi Jarrett | 70 James Odle |
| 35 Charles Redman | 71 C. H. Sears |
| 36 Daniel Crooks | 72 H. J. Watson |

73 John Rice	93 John Byrom
74 H. T. Banning	94 James Crea
75 Robert McCully	95 J. H. Robinson
76 Charles Horten	96 Leroy Gillum
77 William Sebastian	97 Theodore Swartz
78 Mareon Smith	98 Stephen Menten
79 James Curley	99 P. S. Melleck
80 John Mitchell	100 J. M. Crooks
81 J. L. Cook	101 Charles Toothacre
82 D. H. Howser	102 John Shelton
83 G. S. Montgomery	103 Charles Oben
84 Milton Cambridge	104 Undane Coram
85 R. J. Scribner	105 John Swancoat
86 John Carter	106 Arthur Harris
87 J. H. Malone	107 A. J. Chapman
88 William Rains	108 J. G. Routon
89 John Cram	109 A. Shumway
90 F. M. Hughes	110 George Sears
91 John A. Swartz	111 T. L. Ward
92 Michael C. Crooks	112 P. White

At an election held at the house of L. P. Brown, in the precinct of Mount Idaho, in the county of Nez Perces, Territory of Idaho, on the day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

S. S. Fenn had 111 votes for Delegate to Congress.
T. W. Bennett had 1 vote for Delegate to Congress.
L. P. Brown had 98 votes for member of legislative council.
M. A. Kellez had 2 votes for member of legislative council.
D. H. Howser had 4 votes for member of legislative council.
J. C. Waldrip had 90 votes for member of house of representatives.
William Groat had 81 votes for member of house of representatives.
J. J. Bonner had 22 votes for member of house of representatives.
Hazen Squeir had 13 votes for member of house of representatives.
J. G. Berry had 91 votes for probate judge.
H. O. Adams had 13 votes for probate judge.
Ezra Baird had 78 votes for sheriff.
D. B. Baldwin had 29 votes for sheriff.
John Clark had 63 votes for district attorney.
John Dix had 2 votes for district attorney.
J. W. Poe had 2 votes for district attorney.
W. C. Pearson had 90 votes for assessor.
J. W. Northrup had 17 votes for assessor.
W. P. Hunt had 67 votes for recorder.
James McGrane had 40 votes for recorder.
George L. Rogers had 67 votes for treasurer.
H. W. Stanton had 39 votes for treasurer.
T. S. Billings had 49 votes for superintendent public instruction.
J. Q. Maxley had 56 votes for superintendent public instruction.
E. Hannegan had 51 votes for surveyor.
J. H. Evans had 53 votes for county commissioner for the first district.
F. B. King had 53 votes for county commissioner for the second district.

George Dempster had 53 votes for county commissioner for the third district.

M. M. Williams had 20 votes for county commissioner for the first district.

C. P. Clingan had 47 votes for justice of the peace.

Thomas Gurton had 55 votes for justice of the peace.

M. P. Crooks had 24 votes for constable.

J. R. Atkinson had 13 votes for constable.

Peregrine White had 57 votes for road supervisor.

T. L. Ward had 38 votes for road supervisor.

Certified by us :

J. M. CROOKS,
JAMES ODLE.
J. W. EASTMAN,
Judges of Election.

Attest :

R. J. DEVINE,
J. H. ROBINSON,
Clerks of Election.

Poll-book of an election held at the house of John Clindining, in the precinct of Jackson's Bridge, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874.

1 Washington Holmes	12 L. M. Vancise.
2 H. Steward	13 E. Shipley
3 George Dempster	14 S. McPhearson
4 William Grotts	15 A. Dewer
5 Ben Glacier	16 John Fitzgerald
6 A. Harpster	17 J. B. Burns
7 A. J. Taylor	18 E. Davis
8 D. M. Jones	19 Robert Nelson
9 Joseph Baker	20 W. C. Pearson
10 L. P. Wilmot	21 P. Doran
11 A. W. Talkinton	

At an election held at the house of John Clindining, in the precinct of Jackson's Bridge, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names for the following-described offices, to wit:

S. S. Fenu had v v v iiii votes for Delegate to Congress, nineteen, (19.)

T. W. Bennett had ii votes for Delegate to Congress, two, (2.)

Dr. M. A. Kellez had v v ii votes for member of legislative council, twelve, (12.)

L. P. Brown had v iii votes for member of legislative council, eight, (8.)

D. H. Howser had i vote for member of legislative council, one, (1.)

H. Squeir had v iiii votes for member of house of representatives, nine, (9.)

William Groats had v v iiii votes for member of house of representatives, fourteen, (14.)

J. C. Waldrip had v v votes for member of house of representatives, ten, (10.)

J. J. Bonner had v ii votes for member of house of representatives, seven, (7.)

John Clark had v v v ii votes for district attorney, seventeen, (17.)
 H. O. Adams had v v iii votes for probate judge, thirteen, (13.)
 J. G. Berry had v iii votes for probate judge, eight, (8.)
 D. B. Baldwin had v v iii votes for sheriff, fourteen, (14.)
 E. Baird had v ii votes for sheriff, seven, (7.)
 W. C. Pearson had v v iii votes for assessor, thirteen, (13.)
 J. W. Northrup had v iii votes for assessor, eight, (8.)
 W. P. Hunt had v v v v votes for recorder, twenty, (20.)
 James McGrane had i vote for recorder, one, (1.)
 G. L. Rogers had v v iii votes for treasurer, thirteen, (13.)
 H. W. Stanton had v iii votes for treasurer, eight, (8.)
 T. S. Billings had v v iii votes for school superintendent, thirteen, (13.)
 J. Q. Moxley had v iii votes for school superintendent, eight, (8.)
 J. H. Evans had v v iii votes for county commissioner, thirteen, (13.)
 F. B. King had v v iii votes for commissioner, thirteen, (13.)
 George Dempster had v v iii votes for county commissioner, thirteen,
 (13.)
 M. M. Williams had v i votes for county commissioner, six, (6.)
 E. Hannegan had v iii votes for surveyor, eight, (8.)
 C. Flynn had v v iii votes for road-supervisor, thirteen, (13.)
 A. Harpster had v votes for road-supervisor, five, (5.)
 John Denny had i vote for road-supervisor, one, (1.)

Certified by us.

A. HARPSTER,
 A. J. TAYLOR,
 CHAS. FLYNN,
Judges of Election.

Attest:

GEORGE DEMPSTER,
 WM. GROTTTS,
Clerks of Election.

*Poll-book of an election held at the house of Ah Chee, in the precinct of New-
 som Creek, in the county of Nez Perces, Territory of Idaho, on the 3d day
 of November, A. D. 1874.*

1 John V. Hirt	7 D. D. Davenport
2 E. G. Cole	8 A. W. Hukill
3 D. McPherson	9 William L. Jannsen
4 Charles Satter	10 John Knipphon
5 Francis Reynolds	11 John Harald
6 Henry Tilese	

At an election held at the house of Ah Chee, in the precinct of New-
 som Creek, in the county of Nez Perces, Territory of Idaho, on the 3d
 day of November, A. D. 1874, the following-named persons received the
 number of votes annexed to their respective names, for the following-
 described offices, to wit:

S. S. Fenn had v v i votes for Delegate to Congress.
 John Clark had v ii votes for district attorney.
 L. P. Brown had i i i i votes for member of legislative council.
 M. A. Kelley had v votes for member of legislative council.
 J. C. Waldrip had v i i votes for house of representatives.
 J. J. Bonner had v votes for house of representatives.

Hazen Squeir had i i votes for house of representatives.
 William Groat had v i votes for house of representatives.
 H. O. Adams had i vote for probate judge.
 J. G. Berry had v v votes for probate judge.
 D. B. Baldwin had v i votes for sheriff.
 Ezra Baird had v votes for sheriff.
 J. W. Northrup had v i i votes for assessor.
 W. C. Pearson had i i i i votes for assessor.
 W. P. Flunt had i i i i votes for recorder.
 James McGrane had v i votes for recorder.
 George L. Rogers had i i i i votes for treasurer.
 H. W. Stanton had v i i votes for treasurer.
 T. S. Billings had i i i i votes for superintendent public instruction.
 J. Q. Moxley had v i i votes for superintendent public instruction.
 George Dempster had v i votes for county commissioner, district 3.
 Charles Flynn had v i i i i votes for road-supervisor.

Certified by us.

CHAS. SATETER,
 D. MCPHERSON,
 FRANCIS REYNOLDS,
Judges of Election.

Attest:

E. G. COLE,
 H. W. HUKILL,
Clerks of Election.

Poll-book of an election held at the house of O. Warner, in the precinct of Clear Water Station, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874.

1 W. W. Weeks	7 Jacob Stakemire
2 James Anderson	8 S. A. Baker
3 J. J. Hughes	9 Joseph Vickery
4 J. Nooning	10 Robert Watson
5 Joseph Harrison	11 Gust. Swan
6 O. Warner	12 Silas Wightman.

At an election held at the house of O. Warner, in the precinct of Clearwater Station, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit:

T. W. Bennett had i vote for Delegate to Congress, (1.)
 S. S. Fenn had v v i votes for Delegate to Congress, (11.)
 L. P. Brown had v v i votes for member of legislative council, (11.)
 M. A. Kellez had i vote for member of legislative council, (1.)
 Hazen Squeir had i i i votes for member of house of representatives, (3.)
 Wm. Groat had v v votes for member of house of representatives, (10.)
 J. O. Waldrip had v i i i votes for member of house of representatives, (8.)
 J. J. Bouner had i i votes for member of house of representatives, (2.)
 H. O. Adams had i i i votes for probate judge, (3.)
 John G. Berry had v i i i i votes for probate judge, (9.)
 D. B. Baldwin had v i i i i votes for sheriff, (9.)
 Ezra Baird had i i votes for sheriff, (2.)
 John Clark had v v i votes for district attorney, (11.)

W. C. Pearson had v v i votes for assessor, (11.)

J. W. Northrup had i vote for assessor, (1.)

W. P. Hunt had v i i votes for recorder, (7.)

James McGrane had v votes for recorder, (5.)

George L. Rogers had v v votes for treasurer, (10.)

H. W. Stanton had i i votes for treasurer, (2.)

T. S. Billings had v v votes for superintendent public instruction,

J. Q. Moxley had i i votes for superintendent public instruction,

George Dempster had v v i votes for county commissioner, (11.)

E. Hannegan had i i votes for surveyor, (2.)

J. V. Hirt had v i i i votes for justice of the peace, (8.)

D. Savage had v i i i votes for constable, (8.)

J. Nooning had v v i votes for road supervisor, (11.)

Certified by us.

W. W. WEEKS,

O. WARNER,

JAMES ANDERSON,

Judges of Election.

Attest :

JOHN NOONING,

JOSEPH HARRISON,

Clerks of Election.

Poll-book of an election held at the house of George Zeigle, in the precinct of Elk City, in the county of Nez Perces, Territory of Idaho, on the 24th of November, A. D. 1874.

1 Wm. Campbell
2 John Campbell
3 Paul Finn
4 C. H. Pain
5 J. G. Zeigle
6 George Young
7 Robert Devlin
8 E. W. Bell
9 Wm. Baird
10 E. Hardy
11 F. B. Vansise
12 Edmond Fitzgerald
13 John Denney
14 S. T. Dyer
15 James Spense
16 C. Will

17 D. B. McConnell
18 John Young
19 Caleb Mitt
20 John O'Brien
21 James Mitt
22 J. Donovan
23 Charles Morten
24 Thomas Donahue
25 N. B. Wood
26 Samson Dilinger
27 Giles Motten
28 Joseph Jessner
29 John Bower
30 John Ryan
31 S. B. Ames
32 Thelbert Wall.

At an election held at the house of Geo. Zeigle, in the precinct of Elk City, in the county of Nez Perces, Territory of Idaho, on the 24th of November, A. D. 1874.

Wm. Groat had 6 votes for member of house of representatives.
 J. C. Waldrip had 26 votes for member of house of representatives.
 J. J. Bonner had 24 votes for member of house of representatives.
 H. O. Adams had 6 votes for probate judge.
 John G. Berry had 26 votes for probate judge.
 D. B. Baldwin had 8 votes for sheriff.
 Ezra Baird had 24 votes for sheriff.
 W. C. Pearson had 8 votes for assessor.
 J. W. Northrup had 24 votes for assessor.
 W. P. Hunt had 7 votes for recorder.
 James McGrane had 25 votes for recorder.
 G. L. Rogers had 11 votes for treasurer.
 H. W. Stanton had 21 votes for treasurer.
 J. Q. Moxley had 26 votes for superintendent public instruction.
 T. S. Billings had 6 votes for superintendent public instruction.
 E. Hannegan had 26 votes for surveyor.
 M. M. Williams had 23 votes for county commissioner for the first district.
 J. H. Evans had 6 votes for county commissioner for the first district.
 F. B. King had 6 votes for county commissioner for the second district.
 George Dempster had 8 votes for county commissioner for the third district.
 John Bowers had 22 votes for justice of the peace.
 John Denney had 13 votes for road supervisor of third district.
 Abe Harpster had 12 votes for road supervisor of third district.
 Certified by us.

E. W. BELL,
 J. G. ZEIGLE,
 JOHN BOWER,
Judges of Election.

Attest :

WM. BAIRD,
 S. B. AMES,
Clerks of Election.

Poll-book of an election held at the house of S. B. Edwards, in the precinct of Paradise Valley, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874.

1 Wm. Groat	17 Isaac Land
2 J. H. Warmouth	18 R. S. Cox
3 M. S. Moutgomery	19 R. B. Wiseman
4 Wm. Jones	20 J. H. Crumrine
5 Jas. Deacon	21 Arthur Goslin
6 W. S. Hall	22 A. Crumrine
7 W. W. Wiseman	23 John Russell
8 G. R. Pumroy	24 J. M. Shaw
9 W. D. Robins	25 D. T. Cox
10 John Denney	26 C. A. H. Glogan
11 R. S. Warmouth	27 L. P. Brown
12 H. O. Baruum	28 W. J. Hamilton
13 W. Bell	29 J. S. Howard
14 S. B. Cox	30 H. W. Hanneman
15 J. R. Land	31 J. W. Northrup
16 David Allen	32 S. B. Edwards

33 E. Piercy
 34 W. A. Calbreth
 35 S. McMullen
 36 Harvey Cox
 37 L. Haskins
 38 J. S. Waldrip
 39 Wm. Frazier

40 Henry McGregor
 41 S. M. Neff, (challenged)
 42 G. W. Tomer
 43 E. N. Beach
 44 A. A. Liewallen
 45 C. S. Brunk
 46 V. Craig.

At an election held at the house of S. B. Edwards, in the precinct of Paradise Valley, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names for the following-described offices, to wit:

S. S. Fenn had v v v v v v v v votes for Delegate to Congress, (45.)
 T. W. Bennett had i vote for Delegate to Congress, (1.)
 D. H. Howser had i i i votes for member of legislative council, (3.)
 L. P. Brown had v v v v v i votes for member of legislative council, (26.)
 M. C. Kelley had v v v i votes for member of legislative council, (16.)
 J. C. Waldrip had v v v v v v v i i i votes for house of representatives, (39.)
 J. J. Bonner had v i i i votes for house of representatives, (8.)
 Hazen Squier had i i i votes for house of representatives, (3.)
 Wm. Groat had v v v v v v v votes for house of representatives, (35.)
 H. O. Adams had v v v v v v i votes for probate judge, (31.)
 J. G. Berry had v v v votes for probate judge, (15.)
 D. B. Baldwin had v v v v v i i i votes for sheriff, (28.)
 Ezra Baird had v v v i i i votes for sheriff, (18.)
 W. C. Pearson had v v i i for assessor, (12.)
 J. W. Northrup had v v v v v v i i i votes for assessor, (33.)
 W. P. Hunt had v v v v i i votes for recorder, (22.)
 James McGraue had v v v v i i i i votes for recorder, (24.)
 Geo. L. Rogers had v v v i i i i votes for treasurer, (19.)
 H. W. Stanton had v v v v v i votes for treasurer, (26.)
 T. S. Billing had v v v v i votes for superintendent public instruction, (21.)
 J. Q. Moxley had v v v v v votes for superintendent public instruction, (25.)
 E. Hannegan had v v v v v votes for county surveyor, (25.)
 Geo. Dempster had v v v i i i i votes for county commissioner first district, (19.)
 J. H. Evans had v v v v i i i i votes for county commissioner first district, (24.)
 F. B. King had v v v v v votes for county commissioner first district, (20.)
 M. M. Williams had v v v v i i votes for county commissioner first district, (22.)
 J. S. Howard had v v v v i i i i votes for justice of the peace, (24.)
 S. B. Edwards had v v v i i i i votes for justice of the peace, (19.)
 G. R. Pumroy had v v v i votes for justice of the peace, (16.)
 J. H. Warmouth had v v i i votes for constable, (12.)
 W. D. Robins had v v v v v i i votes for constable, (27.)
 R. B. Wiseman had v i i i votes for constable, (8.)

Henry McGregor had i vote for constable, (1.)
 Henry McGregor had v i votes for road supervisor, (6.)
 Certified by us.

E. N. BEACH,
 A. A. LIEUALLEN,
 C. S. BRUNK,
Judges of Election.

Attest :
 G. W. TOMER,
 V. CRAIG,
Clerks of Election.

Poll-book of an election held at the house of R. H. Beeman, in the precinct of Genesee, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874.

No.	Names of voters.	No.	Names of voters.
1	R. H. Beeman	9	H. H. M. Shuck
2	James Kearnez	10	William Smith
3	W. T. Copenhaver	11	George Ashworth
4	John Hardin	12	Jacob Wild
5	Michal Copenhaver	13	Joseph Brontee
6	H. B. Hodgins	14	J. C. Hanson
7	James K. Titus	15	J. H. Evens.
8	Thomas Tearney		

At an election held at the house of R. H. Beeman, in the precinct of Genesee, in the county of Nez Perces, Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit:

S. S. Fenn had 14 votes for Delegate to Congress.
 T. W. Bennett had 1 vote for Delegate to Congress.
 M. H. Kelley had 15 votes for member of legislative council.
 H. Squeir had 1 vote for house of representatives.
 William Groat had 1 vote for house of representatives.
 J. C. Waldrip had 15 votes for house of representatives.
 J. J. Bonner had 13 votes for house of representatives.
 J. G. Berry had 14 votes for probate judge.
 H. O. Adams had 1 vote for probate judge.
 E. Baird had 7 votes for sheriff.
 D. B. Baldwin had 7 votes for sheriff.
 W. C. Pearson had 1 vote for assessor.
 J. W. Northrup had 13 votes for assessor.
 W. P. Hunt had 4 votes for recorder.
 James McGrane had 11 votes for recorder.
 H. W. Stanton had 15 votes for treasurer.
 J. H. Evans had 1 vote for county commissioner for the No. 1 district.
 M. M. Williams had 12 votes for county commissioner for the No. 1 district.
 H. H. M. Shuck had 14 votes for justice of the peace.
 H. B. Hodgins had 14 votes for justice of the peace.
 George W. Ashworth had 14 votes for constable.
 Joseph Brontee had 14 votes for constable.
 William Smith had 1 vote for constable.

R. H. Beeman had 5 votes for road supervisor.
 Thomas Tearney had 4 votes for road supervisor.
 Certified by us.

JOHN H. EVANS,
 THOMAS TEARNEY,
 H. B. HODGINS,
Judges of Election.

Attest:

W. T. COPENHAVER,
 R. H. BEEMAN,
Clerks of Election.

*Poll-book of an election held at the house of J. T. Atwood, in the
 of Palouse Bridge, in the county of Nez Perces, Territory of Idaho
 3d day of November, A. D. 1874.*

1 Thomas Sannon	7 J. J. Hafer
2 William King	8 Samuel Denney
3 E. F. Bean	9 David Not Man
4 F. Roof	10 William Ewing
5 J. J. Scott	11 John Buchanan
6 J. T. Atwood	12 L. F. Philips

At an election held at the house of J. T. Atwood, in the pro
 Palouse Bridge, in the county of Nez Perces, Territory of Idaho
 3d day of November, A. D. 1874, the following named persons
 the number of votes annexed to their respective names, for the
 ing described offices, to wit:

S. S. Fenn had 10 votes for Delegate to Congress.
 T. W. Bennett had 2 votes for Delegate to Congress.
 M. A. Kelley had 9 votes for member of legislative council.
 L. P. Brown had 2 votes for member of legislative council.
 D. H. Howser had 1 vote for member of legislative council.
 Hazen Squeir had 5 votes for house of representatives.
 William Groat had 7 votes for house of representatives.
 J. C. Waldrip had 6 votes for house of representatives.
 J. J. Bonner had 4 votes for house of representatives.
 J. G. Berry had 11 votes for probate judge.
 H. O. Adams had 1 vote for probate judge.
 David Baldwin had 11 votes for sheriff.
 Ezra Baird had 1 vote for sheriff.
 W. C. Pearson had 6 votes for assessor.
 J. W. Northrup had 6 votes for assessor.
 W. P. Hunt had 11 votes for recorder.
 James McGrane had 1 vote for recorder.
 George L. Rogers had 9 votes for treasurer.

hanan had 6 votes for constable.
by us.

WM. EWING,
L. F. PHILIPS,
JOHN BUCHANAN,
Judges of Election.

HAFER,
S T. ATWOOD,
Clerks of Election.

*an election held at the house of James Lockridge, in the precinct
s Creek, in the county of Nez Perces, Territory of Idaho, on the
November, A. D. 1874.*

rfield	11 Arthur Green
ark	12 Frank McCarric
reen	13 Charles Hatter
koontz	14 P. W. McCabe
Kennedy	15 Frank Points
onner	16 James Perry
ockridge	17 A. N. Dufield
s	18 J. F. Boye/
ig	19 Murdock Cameron
on	

ction held at the house of James Lockridge, in the precinct
Creek, in the county of Nez Perces, Territory of Idaho, on
of November, A. D. 1874, the following named persons re-
number of votes annexed to their respective names, for the
scribed offices, to wit :

n had 18 votes for Delegate to Congress.

nnett had 1 vote for Delegate to Congress.

wser had 8 votes for member of legislative council.

wn had 2 votes for member of legislative council.

lley had 8 votes for member of legislative council.

drip had 12 votes for house of representatives.

er had 15 votes for house of representatives.

ueir had 4 votes for house of representatives.

Groat had 3 votes for house of representatives.

ry had 15 votes for probate judge.

ams had 3 votes for probate judge.

nd had 9 votes for sheriff.

dwin had 9 votes for sheriff.

rthrup had 13 votes for assessor.

arson had 2 votes for assessor.

cGrane had 15 votes for recorder.

nt had 3 votes for recorder.

anton had 15 votes for treasurer.

. Rogers had 2 votes for treasurer.

dey had 13 votes for superintendent public instruction.

ings had 5 votes for superintendent public instruction.

illiams had 15 votes for county commissioner first district.

ns had 3 votes for county commissioner first district.

gan had 15 votes for surveyor.

ing had 5 votes for justice of peace.

A. M. Dufield had 5 votes for constable.
 John Clark had 14 votes for district-attorney.
 Certified by us.

FRANK POINTS,
 JAMES LOCKRIDGE,
 P. W. McCABE,
Judges of Elec

Attest:

W. G. CONNER,
 A. M. DUFIELD,
Clerks of Election.

*Poll-book of an election held at the house of Hiram Young, in the p
 of Pine Creek, in the county of Nez Perces, Territory of Idaho,
 3d day of November, A. D. 1874.*

1 L. W. Devenport	10 John F. Kelley
2 Hiram Young	11 C. S. Barton
3 John C. Campbell	12 Adin Davis
4 J. I. Cash	13 G. W. Hillery
5 Patrick Mackey	14 G. W. Smith
6 James F. Conkling	15 R. H. Truax
7 William Koontz	16 G. W. Briggs
8 H. C. Harlow	17 J. H. Norwick
9 John H. Irvine	

At an election held at the house of Hiram Young, in the prec
 Pine Creek, in the county of Nez Perces, Territory of Idaho, on
 day of November, A. D. 1874, the following-named persons receiv
 number of votes annexed to their respective names for the foll
 described offices, to wit:

T. W. Bennett had 3 votes for Delegate to Congress.
 S. S. Fenn had 14 votes for Delegate to Congress.
 John Clark had 9 votes for district attorney.
 D. H. Howser had 3 votes for member of legislative council.
 M. A. Kelley had 10 votes for member of legislative council.
 L. P. Brown had 2 votes for member of legislative council.
 J. C. Waldrip had 11 votes for house of representatives.
 J. J. Bonner had 12 votes for house of representatives.
 Hazen Squeir had 6 votes for house of representatives.
 William Groat had 5 votes for house of representatives.
 H. O. Adams had 6 votes for probate judge.
 J. G. Berry had 11 votes for probate judge.
 Ezra Baird had 5 votes for sheriff.
 D. B. Baldwin had 12 votes for sheriff.
 J. Q. Motley had 11 votes for superintendent of schools.
 T. S. Billings had 6 votes for sunerintendant of schools.

G. Dempster had 6 votes for county commissioner for second district.
J. I. Cash had 10 votes for justice of peace.
H. Koontz had 8 votes for constable.
Certified by us.

L. W. DEVENPORT,
JOHN H. CAMPBELL,
HIRAM YOUNG,
Judges of Election.

Attest :
J. I. CASH,
P. MACKEY,
Clerks of Election.

EXHIBIT B.

The following is an abstract of the votes cast for Delegate to Congress at the general election held in Nez Perces County, Idaho Territory, on the 3d day of November, A. D. 1874.

Precincts.	Delegate to Congress.	
	T. W. Bennett.	S. S. Fenn.
Lewiston	66	123
Lake	3	8
Cottonwood.....	2	12
Mount Idaho.....	1	111
Jackson's Bridge.....	2	19
Newson Creek .....	.....	11
Clearwater Station.....	1	11
Elk City.....	4	27
Paradise Valley	1	45
Genesee	1	14
Polouse Bridge.....	2	10
Camas Creek.....	1	18
Pine Creek	3	14
Total.....	87	423

TERRITORY OF IDAHO,
County of Nez Perces, ss :

We, the undersigned board of canvassers of Nez Perces County, Idaho Territory, do hereby certify the foregoing to be a true abstract of the votes cast for Delegate to Congress at the general election held therein on the 3d day of November, A. D. 1874.

Dated this 7th day of November, A. D. 1874.

H. O. ADAMS,
Probate Judge.
J. B. MENOMY,
Commissioner.

W. P. HUNT,
*Clerk of Board of County Commissioners
of Nez Perces County, Idaho Territory.*

TERRITORY OF IDAHO,
County of Nez Perces, ss :

I, W. P. Hunt, clerk of the board of county commissioners of Nez Perces County, Idaho Territory, do hereby certify the foregoing to be a true copy of the original abstract now on file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the county this — day November, A. D. 1874.

[SEAL.]

W. P. HUNT,
*Clerk of the Board of County Commissioners of
Nez Perces County, Idaho Territory.*

EXHIBIT C.

The following is an abstract of the votes cast for Delegate to Congress at the general election held in Nez Perces County, Idaho Territory, on the 3d day of November, A. D. 1874.

Precincts.	Delegate to Congress.	
	T. W. Bennett.	S. S. Fenn.
Lewiston	66	123
Lake.....	3	8
Cottonwood	2	12
Mount Idaho.....	1	111
Jackson's Bridge	2	19
Newson Creek		11
Clearwater Station.....	1	11
Elk City	4	27
Paradise Valley	1	45
Genesee	1	14
Palouse Bridge.....	2	10
Cammas Creek.....	1	13
Pine Creek	3	14
Total	87	423

TERRITORY OF IDAHO,
County of Nez Perces, ss :

We, the undersigned, board of county commissioners of Nez Perces County, Idaho Territory, do hereby certify the foregoing to be a true and correct abstract of the votes cast for Delegate to Congress at the general election held therein on the 3d day of November, A. D. 1874.

Dated this 14th day of December, A. D. 1874.

D. H. HOWSER, *Chairman.*
GEORGE DEMPSTER.
J. B. MENOMY.

Attest:

W. P. HUNT,
*Clerk of the Board of County Commissioners
of Nez Perces County, Idaho Territory.*

TERRITORY OF IDAHO,
County of Nez Perces, ss :

I, W. P. Hunt, clerk of the board of county commissioners of Nez Perces County, Idaho Territory, do hereby certify the foregoing to be a true and correct copy of the original abstract made by the board of county commissioners on the 14th day of December, A. D. 1874, and now on file in my office.

In witness whereof I have hereunto set my hand and affixed the seal of the county this — day of December, A. D. 1874.

[SEAL.]

W. P. HUNT,
*Clerk of the Board of County Commissioners
 of Nez Perces County, Idaho Territory.*

Notary's certificate.

TERRITORY OF IDAHO,
County of Nez Perces, ss :

I, H. O. Adams, a notary public in and for said county of Nez Perces, do hereby certify that the witnesses in the foregoing depositions named were by me duly sworn to testify the truth, the whole truth, and nothing but the truth; that said depositions were taken at the time and place mentioned in the annexed notice of taking depositions, to wit, at my office, in the city of Lewiston, in said county of Nez Perces, commencing on the 15th day of February, A. D. 1875, and continuing thereafter from day to day and over Sundays and non-judicial days, between the hours of 9 o'clock a. m. and 8 o'clock p. m. of each day; that said depositions were reduced to writing by me, and, when completed, were carefully read by me to said witnesses, and, being by them corrected, were by them subscribed in my presence; that the annexed, marked "Exhibit A," "Exhibit B," and "Exhibit C," are the identical exhibits referred to by said witnesses, and in regard to which they have testified.

In witness whereof I have hereunto subscribed my name and affixed my seal of office this 20th day of February, A. D. 1875.

[SEAL.]

H. O. ADAMS,
Notary Public.

Certificate of clerk of district court.

TERRITORY OF IDAHO,
County of Nez Perces, ss :

I, H. Squier, clerk of the district court of the first judicial district of Idaho Territory in and for said Nez Perces County, do hereby certify that H. O. Adams, whose name is signed to the foregoing certificate, is now, and has been since the 18th day of March, A. D. 1873, a notary public in and for said county of Nez Perces, duly commissioned and qualified; and that his name thereto attached is his own genuine signature, and that full faith and credit are and of right ought to be extended to all such his official acts, and that said certificate is in due form of law.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Lewiston, in said county, this 20th day of February, A. D. 1875.

[SEAL.]

H. SQUIER,
Clerk District Court First Judicial District, Idaho Territory.

Notice to take testimony at Salmon City, Lemhi County.

BOISE CITY, ADA COUNTY,
Idaho Territory, January 21, 1875.

SIR: You will please take notice that on Saturday, the 20th day of February, A. D. 1875, in Salmon City, Lemhi County, Idaho Territory, before Sylvester McCain, judge of the probate court of said county, at his office, in Salmon City, I propose to commence the examination of the witnesses whose names are given below. The examination of said witnesses, and others whose names may be furnished you within the time limited by law, will be continued from day to day, and over Sundays and non-judicial days, between the hours of 9 o'clock a. m. and 5 o'clock p. m. of each day, until the same shall be completed.

The testimony thus taken is to be used in the contested-election case of Delegate to the Forty-fourth Congress from Idaho Territory, whereof you have heretofore had legal notice.

S. S. FENN.

TO THOMAS W. BENNETT.

Witnesses to be examined in pursuance of the foregoing notice: John Hogan, B. F. Price, C. W. Manasco, E. C. Whitsett.

TERRITORY OF IDAHO,
County of Ada, ss:

This affiant, I. L. Tiner, being first duly sworn on oath, says that on the 21st day of January, A. D. 1875, he served the foregoing and within notice on Thomas W. Bennett, by delivering to him, personally, a true and correct copy thereof in Boise City, Ada County, Idaho Territory.

Subscribed and sworn to before me January 21, A. D. 1875.

Witness my hand and seal of office at Boise City, Idaho Territory, the date last above written.

I. L. TINER.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Depositions at Salmon City.

Be it remembered that pursuant to the notice of S. S. Fenn for taking testimony, hereunto annexed, on the 20th day of February, A. D. 1875, at 9 o'clock a. m., at my office, in Salmon City, Lemhi County, Idaho Territory, before me, Sylvester McCain, probate judge of said county of Lemhi, personally appeared the witnesses whose names appear in the following depositions, produced on behalf of S. S. Fenn, and who, being by me first duly sworn, were then and there examined and interrogated by Jesse McCaleb, attorney for S. S. Fenn, on behalf of S. S. Fenn.

Deposition of B. F. Price.

B. F. PRICE, being first duly sworn, on oath deposes and says:

Question 1. State your name, age, occupation, and place of residence.—Answer. My name is B. F. Price. I am sixty-four years old. My occupation is farmer, and my place of residence is Lemhi Valley, Lemhi County, Idaho Territory.

Q. 2. State what county office, if any, you held in Lemhi County,

Idaho Territory, during the year 1874.—A. I was a county commissioner in and for Lemhi County, Idaho Territory, during the year 1874.

Q. 3. State who made the county canvass of election-returns from the various precincts of the election held November 3, 1874; and when and where was the canvass made?—A. The canvass was made by the board of county commissioners, two of whom were present—Rudolph Mohr and myself. The canvass was made on the 14th day of November, A. D. 1874, at Salmon City, Lemhi County, Idaho Territory.

Q. 4. State who were the candidates voted for by the people of Lemhi County for Delegate to Congress, at the election held November 3, 1874.—A. The candidates voted for at said election for Delegate to Congress were S. S. Fenn and T. W. Bennett.

Q. 5. State how many votes did said canvass show that S. S. Fenn received for Delegate to Congress at said election in Lemhi County, and how many votes did T. W. Bennett receive?—A. S. S. Fenn received 102 votes at said election, and T. W. Bennett received 134 votes.

B. F. PRICE.

Deposition of John Hogan.

Testimony of JOHN HOGAN, who, being sworn, says:

Question 1. State your name, age, and place of residence.—Answer. My name is John Hogan. I am fifty-seven years old, and my place of residence is Salmon City, Lemhi County, Idaho Territory.

Q. 2. State what office you hold, if any, in Lemhi County, and how long you have held the same.—A. I hold the office of auditor and recorder, and clerk of the board of county commissioners in Lemhi County, and have held the same since the 1st day of January, 1873.

Q. 3. State how many election-precincts are in Lemhi County, and what are their names?—A. There are nine election-precincts in Lemhi County, and their names are Salmon City precinct, Fort Lemhi precinct, Junction precinct, North Fork precinct, Leesburgh precinct, Big Creek precinct, Oro Grande precinct, Robinson Bar precinct, and Stanley Basin precinct.

Q. 4. State who the candidates were before the people of Lemhi County at the general election held November 3, 1874, for Delegate in Congress from Idaho Territory.—A. The candidates before the people of Lemhi County for Delegate in Congress at the election held November 3, 1874, were S. S. Fenn and T. W. Bennett.

Q. 5. State at what time the canvass of said election by the county board of canvassers was made, and who were the county canvassers and what county offices they held.—A. The canvass was made on the 14th day of November, 1874, by B. F. Price and Rudolph Mohr, who were both county commissioners in and for Lemhi County, Idaho Territory.

Q. 6. Look now at this paper marked "Exhibit A," and state what it is.—A. It is a correct copy of the original poll-books of Salmon City precinct of the election held November 3, 1874.

Q. 7. Look now at this paper marked "Exhibit B," and state what it is.—A. It is a correct copy of the original poll-books of Fort Lemhi precinct of the election held November 3, 1874.

Q. 8. Look now at this paper marked "Exhibit C," and state what it is.—A. It is a correct copy of the original poll-books of Junction precinct of the election held November 3, 1874.

Q. 9. Look now at this paper marked "Exhibit D," and state what it is.—A. It is a correct copy of the original poll-books of North Fork precinct of the election held November 3, 1874.

Q. 10. Look now at this paper marked "Exhibit E," and state what it is.—A. It is a correct copy of the original poll-books of Leesburgh precinct of the election held November 3, 1874.

Q. 11. Look now at this paper marked "Exhibit F," and state what it is.—A. It is a correct copy of the original poll-books of Big Creek precinct of the election held November 3, 1874.

Q. 12. Look now at this paper marked "Exhibit G," and state what it is.—A. It is a correct copy of the original poll-books of Oro Grande precinct of the election held November 3, 1874.

Q. 13. Look now at this paper marked "Exhibit H," and state what it is.—A. It is a correct copy of the original poll-books of Robinson Bar precinct of the election held November 3, 1874.

Q. 14. Look now at this paper marked "Exhibit I," and state what it is.—A. It is a correct copy of the original poll-books of Stanley Basin precinct of the election held November 3, 1874.

The examination is now adjourned until 2 o'clock p. m.

The examination commenced pursuant to adjournment at 2 o'clock p. m. Present as before.

The testimony of JOHN HOGAN continued:

Q. 15. Look now at this paper marked "Exhibit J," and state what it is.—A. It is a correct abstract of the votes cast for the candidates for Delegate to Congress at the general election held in Lemhi County, Idaho Territory, November 3, 1874, as canvassed by the board of commissioners of said Lemhi County, November 14, 1874.

Q. 16. According to the returns from the various election-precincts in Lemhi County, how many votes did S. S. Fenn receive at said election for Delegate to Congress, and how many votes did T. W. Bennett receive?—A. S. S. Fenn received at said election 102 votes and T. W. Bennett received 134 votes for Delegate to Congress.

Q. 17. In your certificate and abstract of votes cast for Delegate in Congress at the election held on the 3d day of November, 1874, as forwarded by you to the secretary of the Territory of Idaho, and as canvassed by the territorial board of canvassers, you stated that S. S. Fenne received 102 votes for Delegate in Congress. Now, were the votes of Lemhi County to the number of 102 cast for S. S. Fenne or for S. S. Fenn, and did you not make a mistake in writing the name, and were the 102 votes not in reality counted by the board of canvassers to S. S. Fenn?—A. The 102 votes were in reality counted by the board of canvassers of Lemhi County for S. S. Fenn and not for S. S. Fenne for Delegate to Congress.

Q. by Sylvester McCain, on behalf of T. W. Bennett. In your certificate and abstract of votes cast for Delegate in Congress at the election held on the 3d day of November, 1874, as forwarded by you to the secretary of the Territory of Idaho, and as canvassed by the territorial board of canvassers, you stated that F. W. Bennett received 134 votes for Delegate in Congress. Now, were the votes of Lemhi County to the number of 134 cast for F. W. Bennett or for T. W. Bennett, and did you not make a mistake in writing the name, and were the 134 votes not in reality counted by the board of canvassers to T. W. Bennett?—A. The 134 votes were in reality counted by the board of canvassers of Lemhi County for T. W. Bennett and not for F. W. Bennett for Delegate to Congress, and if I wrote the letter F instead of the letter T it was by mistake.

JOHN HOGAN.

Deposition of C. W. Manasco.

Testimony of C. W. MANASCO, who, being sworn, says :

Question 1. State your name, age, occupation, and place of residence.—Answer. My name is C. W. Manasco. I am forty-six years old. I am assessor and collector in and for Lemhi County, Idaho Territory, and my place of residence is Salmon City, Lemhi County, Idaho Territory.

Q. 2. State who were the candidates for Delegate to Congress in Lemhi County at the election held November 3, 1874.—A. The candidates for Delegate to Congress at the election held in Lemhi County November 3, 1874, were S. S. Fenn and T. W. Bennett.

Q. 3. State whether or not you assisted to fill up the democratic tickets at said election; and if so, state whose name was filled in for Delegate to Congress.—A. I filled up a portion of the democratic tickets on the day of election with the name of S. S. Fenn for Delegate to Congress, and saw no democratic tickets except those that were filled up with the name of S. S. Fenn for said office.

Q. 4. Where were the democratic tickets of your county filled up, and who assisted to fill up the same?—A. The largest number of the democratic tickets of Lemhi County were filled up by Jesse McCaleb at Salmon City before the day of election, and I filled up a portion on the day of election; and whether democratic tickets were filled up by any one else on the day of election I cannot positively say. There were blank tickets in the hands of different parties at Salmon City precinct on the day of election.

C. W. MANASCO.

The depositions having all been taken, the examination adjourned without a day at 4 o'clock p. m.

SYLVESTER McCAIN,
Probate Judge.

EXHIBIT A.

Original poll-list Salmon City precinct, district No. 1, Lemhi County, Idaho Territory, election November 3, 1874.

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following persons, viz, G. G. Wentz, S. Carter, Barney Morrow, as judges or inspectors of election; F. B. Willis and E. C. Whitesett as clerks of election, were duly sworn by me on oath previous to the opening of the poll, as required by law, this the 3d day of November, A. D. 1874.

Witness my hand this 3d day of November, A. D. 1874.

JOHN HOGAN,

County Auditor and Clerk of the Board of County Commissioners.

1 Mike Spahn
2 Frank Shato
3 Cary Wright
4 Saml. Funderburg
5 William Flanagan
6 G. W. Dudley
7 Ira Tingley

8 James W. Freeman
9 Wm. Thompson
10 William Aucutt
11 Henry Van Horn
12 Frank Lewis
13 J. C. Shoup
14 M. McPherson

- | | |
|-----------------------|-----------------------|
| 15 John Scudder | 70 J. C. Lee |
| 16 Peter Amenson | 71 Frank Price |
| 17 D. Ellison | 72 John Barrack |
| 18 Edward Mangan | 73 E. T. Beatty |
| 19 Wilson Ellis | 74 William Douglass |
| 20 James Brinner | 75 Edward Culver |
| 21 W. F. Peters | 76 William Crawford |
| 22 L. C. Morse | 77 A. R. Prentis |
| 23 I. T. Shirk | 78 H. C. Colvin |
| 24 James Beatie | 79 R. Williams |
| 25 B. F. Price | 80 D. Potts |
| 26 Chris. Camp | 81 X. Nutz |
| 27 M. M. McCain | 82 A. Jarvis |
| 28 Sylvester McCain | 83 Charles Cater |
| 29 H. Sanborne | 84 Morgan McKim |
| 30 John Holbrook | 85 John L. Jewitt |
| 31 William Hill | 86 Geo. L. Shoup |
| 32 Pat White | 87 I. S. Johnson |
| 33 Cyrus Linsay | 88 James McNab |
| 34 Pat Mullen | 89 J. G. Finnell |
| 35 John Carl | 90 Eli Minert |
| 36 Mat Hues | 91 Geo. Simpson |
| 37 Bat Doody | 92 F. C. Tuthill |
| 38 W. A. Healy | 93 Thomas McGarvey |
| 39 E. J. Steel | 94 Joe Newmyer |
| 40 Denis Egan | 95 William Brian |
| 41 J. B. Morrow | 96 R. J. Warren |
| 42 Elias Compton | 97 Volney Brant |
| 43 John Perrow | 98 James Woods |
| 44 B. M. Watkins | 99 Thomas Pope |
| 45 Geo. Martin, sr | 100 L. P. Whittington |
| 46 D. W. Stahl | 101 Lane Halstead |
| 47 William Farnsworth | 102 John Gorley |
| 48 John McGuigan | 103 Caleb Davis |
| 49 Joshua Brown | 104 R. A. Lake |
| 50 L. M. Holbrook | 105 E. Mulkey |
| 51 Dan. Doran | 106 John Hogan |
| 52 Leonard Johnson | 107 Joe Woodard |
| 53 L. Falls | 108 G. G. Wentz |
| 54 Louis Waterman | 109 Thomas Elder |
| 55 S. Carter | 110 E. C. Whitsett |
| 56 Ed. Oneil | 111 F. B. Willis |
| 57 William Felkner | 112 James Thomas |
| 58 John Charles | 113 William Wallace |
| 59 Charles Currier | 114 Mike Hughes |
| 60 Tick Bohanan | 115 Richard Rouse |
| 61 William Jacobs | 116 Van Orton |
| 62 Thomas Bayle | 117 Fred Phillips |
| 63 James Kirtley | 118 John Stabl |
| 64 William Hagarty | 119 Enos Watson |
| 65 L. S. Vader | 120 James Viar |
| 66 Dan Richson | 121 P. H. Brown |
| 67 John Graham | 122 Jake Finster |
| 68 H. W. Wyant | 123 C. W. Manasco |
| 69 A. Hornback | |

At an election held in Salmon City precinct, district No. 1, county of Lemhi, Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

JAMES B. MORROW,
G. G. WENTZ,
S. CARTER,
Judges of Election.

E. C. WHITSETT,
F. B. WILLES,
Clerks of Election.

Delegate to Congress: S. S. Fenn, 57; Thomas W. Bennett, 61.
District attorney: Geo. Ainslee, 65; Jonis W. Brown, 57.
Territorial council: E. T. Beatty, 76; Thomas Elder, 46.
Territorial assembly: Jesse McCaleb, 57; N. P. Musgrove, 10; Geo. L. Shoup, 102; F. C. Tuthill, 72.
Probate judge: S. McCain, 31; B. F. Price, 10; Thomas McGarvey, 25; Cain Shoup, 23.
Sheriff: J. G. Finnell, 51; D. W. Stahl, 69.
Auditor and recorder: John Hogan, 87; Thomas Pope, 32.
Assessor and collector: C. W. Manusco, 85; E. Kenny, 37.
Treasurer: Ira Tingley, 70; Joshua Brown, 50.
County commissioner, district No. 1: William Felkner, 61; Jacob Yearian, 57.
Superintendent public instruction: I. P. Jewell, 65.
Justice of the peace: B. F. Price, 12; T. Boyle, 1.

I do hereby certify the foregoing to be a full, true, and correct copy of the poll-books of Salmon City precinct, Lemhi County, Idaho Territory, at the general election held November the 3d, 1874, and canvassed by the board of county commissioners of Lemhi County November the 14th, A. D. 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of
County Commissioners of Lemhi County, Idaho Territory.*

EXHIBIT B.

Original poll-list, Fort Lemhi precinct, district No. 1, Lemhi County, Idaho Territory, election November 3, 1874.

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following persons, viz, J. B. Pattie, F. B. Sharkey, and Truman Andrews, as judges or inspectors of election, and N. I. Andrews and Geo. A. Kenney as clerks of election, were duly sworn by me previous to the opening of the poll, as required by law, this the 3d day of November, A. D. —, at Fort Lemhi precinct, in the above-named county.

Witness my hand this 3d day of November, A. D. 1874.

J. B. PATTIE.

I hereby certify that I have administered the oath of office above-named officers of election with exception of myself, and the oath of office was administered to me by F. B. Sharkey, this 3d day of November, A. D. 1874.

J. B. PATTIE,

1 Green Walters
2 John Morgan
3 John Martin
4 J. B. Pattie
5 F. B. Sharkey
6 Geo. A. Kenney
7 Truman Andrews

8 N. I. Andrews
9 M. E. McClain
10 Arthur Parinton
11 Geo. Ricker
12 C. B. Caty
13 Delass Simons

At an election held in Fort Lemhi precinct, district No. 1, county of Lemhi, Territory of Idaho, on the 3d day of November A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

J. B. PATTIE,
F. B. SHARKEY,
TRUMAN ANDREWS,
Judges of Election
N. I. ANDREWS,
GEO. A. KENNEY,
Clerks of Election

Delegate to Congress: S. S. Fenn, 1; T. W. Bennett, 12.
District attorney: Geo. Ainslie, 1; Jonas W. Brown, 12.
Territorial council: E. T. Beatty, 2; Thomas Elder, 11.
Territorial assembly: Jesse McCaleb, 1; Geo. L. Shoup, 13; F. C. Hill, 12.
Sheriff: J. G. Finnell, 1; D. W. Stahl, 12.
Probate judge: B. F. Price, 1; S. McCain, 12.
Auditor and recorder: John Hogan, 1; Thomas Pope, 12.
Assessor and collector: O. W. Manasco, 2; E. Kenney, 11.
Treasurer: Ira Tingley, 1; Joshua Brown, 12.
School superintendent: I. P. Jewell, 12.

I hereby certify the foregoing to be a full, true, and correct copy of the poll-books of Fort Lemhi precinct, Lemhi County, Idaho Territory, at the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County, November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of
County Commissioners Lemhi County, Idaho Territory*

H. Fuller and John W. Comaford as clerks of election, were duly sworn on oath by me previous to the opening of the poll, as required by law, at Junction precinct, district No. 1, Lemhi County, Idaho Territory, this the 3d day of November, A. D. 1874.

A. F. ELDER.

I hereby certify that I administered the oath of office to the above-named officers of election, with the exception of myself, and the oath of office was administered to me by William Peterson, this 3d day of November, A. D. 1874.

A. F. ELDER.

1 G. A. Martin	15 J. D. Stroud
2 C. H. Martin	16 George Yearian
3 Neil McDevitt	17 Jacob Yearian
4 James Casey	18 Z. B. Yearian
5 John McDonald	19 E. R. Hawley
6 E. Nasholds	20 H. L. Lard
7 A. J. Purcell	21 E. Stroud
8 John McLaggan	22 H. Fuller
9 John Yearian	23 John King
10 A. F. Elder	24 Joseph Vanasse
11 A. M. Stephenson	25 Jesse McCaleb
12 A. Lawson	26 William Peterson
13 G. L. Purcell	27 John M. Comaford
14 Joseph Cain	

At an election held at Junction precinct, district No. 1, Lemhi County, Idaho Territory, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

WILLIAM PETERSON,
A. F. ELDER,
Z. B. YEARIAN,
Judges.

H. FULLER,
JOHN W. COMAFORD,
Clerks.

Delegate to Congress: Thomas W. Bennett, 19; S. S. Fenn, 8.

Territorial council: Thomas Elder, 9; E. T. Beatty, 18.

Territorial assembly: G. L. Shoup, 22; F. C. Tuthill, 11; Jesse McCaleb, 15; N. P. Musgrove, 4.

County commissioner, district No. 1: Jacob Yearian, 22; Wm. Felkner, 4.

Probate judge: S. McCain, 14; B. F. Price, 8.

Sheriff: D. W. Stahl, 16; J. G. Finnell, 11.

Treasurer: Joshua Brown, 11; Ira Tingley, 14.

Auditor and recorder: Thomas Pope, 7; John Hogan, 20.

Assessor and collector: E. Kenney, 3; C. W. Manasco, 24.

School superintendent: I. P. Jewell, 13.

District attorney: Jonas W. Brown, 12; George Ainslie, 14.

Justice of the peace: John Yearian, 4.

Constable: J. Purcell, 1.

I hereby certify the foregoing to be a full, true, and correct copy of the poll-books of Junction precinct, Lemhi County, Idaho Territory, at

the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County, November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of
County Commissioners of Lemhi County, Idaho Territory.*

EXHIBIT D.

Original poll-list, North Fork precinct, district No 1, Lemhi County, Idaho Territory, election November 3, 1874.

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following persons, viz, D. D. Nicholson, C. J. Barclay, and Geo. J. Thomas, as judges or inspectors of election, and J. M. Nighswander and Robert D. McClellen, as clerks of election, were duly sworn on oath before me, previous to the opening of the poll, as required by law, this the 3d day of November, A. D. 1874, at North Fork precinct, in the above-named county and Territory.

Witness my hand this 3d day of November, A. D. 1874.

CHARLES J. BARCLAY.

I hereby certify that I administered the oath of office to the above named officers of election, and the oath of office was administered to me by David D. Nicholson, this the 3d day of November, A. D. 1874.

CHARLES J. BARCLAY.

1 J. A. Means	7 C. J. Barclay
2 J. Renux	8 R. C. McClellen
3 C. H. Schrieber	9 W. H. Edwards
4 J. W. Nighswander	10 W. A. Nicholson
5 D. D. Nicholson	11 I. P. Jewell
6 G. J. Thomas	

At an election held at North Fork precinct, district No. 1, Lemhi County, Idaho Territory, on the 3d day of November A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

CHARLES J. BARCLAY,
G. J. THOMAS,
D. D. NICHOLSON,
Judges.

J. M. NIGHSWANDER,
ROBERT S. MCCLELLEN,
Clerks.

Delegate to Congress: T. W. Bennett, 6.
District attorney: J. W. Brown, 6.
Territorial council: Thomas Elder, 6; E. T. Beatty, 5.
Territorial assembly: F. C. Tuthill, 8; Geo. L. Shoup, 8; Jesse McCaleb, 5; N. P. Musgrove, 1.

Sheriff: D. W. Stahl, 6; J. G. Finnell, 5.

Probate judge: S. McCain, 5; B. F. Price, 6.

Auditor and recorder: John Hogan, 11.

Treasurer; J. Brown, 10; Ira Tingley, 1.

Assessor and collector: C. W. Manasco, 11.

County commissioner: Jacob Yearian, 6; Wm. Felkner, 5.

Superintendent of public instruction: I. P. Jewell, 9.

I hereby certify the foregoing to be a full, true, and correct copy of the poll-books of North Fork precinct, Lemhi County, Idaho Territory, at the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County, November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of
County Commissioners, Lemhi County, Idaho Territory.*

EXHIBIT E.

Original poll-list, Leesburgh precinct, district No. 2, Lemhi County, Idaho Territory, election November 3, 1874.

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following-named persons, viz, R. N. Hull, J. C. Martinely, and R. McNichols, as judges or inspectors of election, and William Edwards and S. S. Ramey, as clerks of election, were duly sworn on oath by me, previous to the opening of the poll, as required by law, this the 3d day of November, A. D. 1874, at Leesburgh precinct, district No. 2, Lemhi County, Idaho Territory.

Witness my hand this 3d day of November, 1874.

JAMES NOBLE,
Justice of the Peace.

- 1 Wilson Smith
- 2 J. W. Davis
- 3 Rudolph Mohn
- 4 David Darcey
- 5 J. C. Richardson
- 6 Deigo Resoredo
- 7 C. Maeler
- 8 Ben Harrison
- 9 Robert McNichols
- 10 R. N. Hull
- 11 John Ray
- 12 David McNutt
- 13 A. Paine
- 14 A. J. Jenkins
- 15 Daniel Beek
- 16 J. H. Hockinsmith
- 17 Nathan Smith
- 18 E. S. Edwards
- 19 J. C. Martinely
- 20 N. P. Musgrove
- 21 E. Kenney
- 22 E. Musgrove
- 23 J. D. Wood

- 24 J. A. Atkins
- 25 David Pelfryman
- 26 James Noble
- 27 Patrick Conaty
- 28 Francis Limpeck
- 29 Mike Boyle
- 30 Julius L. Ranaud
- 31 C. C. Willis
- 32 Alexander Quiun
- 33 Charles Franklin
- 34 Vic Kamp
- 35 Peter Benaz
- 36 Claude Baulet
- 37 Mont White
- 38 Charles Demar
- 39 I. S. Ramey
- 40 Joseph Crain
- 41 Wm. Edwards
- 42 Robert Moore
- 43 A. J. Vanskiver
- 44 John Rallston
- 45 Myram Scrader



At an election held in Leesburgh precinct, district No. 2, county of Lemhi, Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

ROBT. McNICHOLS,
R. N. HULL,
JAS. C. MARTINELY,
Judges of Election.

WM. M. EDWARDS,
I. S. RANCEY,
Clerks.

Delegate to Congress: S. S. Fenn, 21; T. W. Bennett, 20.
District attorney: Geo. Ainslie, 22; Jonas W. Brown, 19.
Territorial council: E. T. Beatty, 27; Thomas Elder, 16.
Territorial representatives: Jesse McCaleb, 23; N. P. Musgrove, 22;
Geo. L. Shoup, 20; F. C. Tuthill, 20.
Probate judge: B. F. Price, 24; S. McCain, 20.
Sheriff: J. G. Finnell, 23; D. W. Stahl, 20.
Auditor and recorder: John Hogan, 31; Thomas Pope, 13.
Assessor and collector: C. W. Manasco, 29; E. Kenney, 15.
Treasurer: Joshua Brown, 21; Ira Tingley, 23.
Commissioner district No. 2: A. I. Jenkins, 20; J. C. Richardson, 23.
Coroner: H. Colvin, 9.
School superintendent: I. P. Jewell, 20.
Justice of the peace: James Noble, 31.

ROBT. McNICHOLS,
R. N. HULL,
JAS. C. MARTINELY,
Judges of Election.

Attest:

I. S. RANCEY,
W. M. EDWARDS,
Clerks of Election.

I do hereby certify the foregoing to be a full, true, and correct copy of the poll-books of Leesburgh precinct, Lemhi County, Idaho Territory, at the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County, November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of County
Commissioners of Lemhi County, Idaho Territory.*

EXHIBIT F.

Original poll-list of Big Creek precinct, district No. 2, Lemhi County, Idaho Territory, election November 3, 1874.

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following-named persons, viz, J. J. Gaunt, Michael Miar, and Sam Ramer, as judges or inspectors of election, and

Walter Simmons and Lawrence Sexton, as clerks of election, were duly sworn on oath by me previous to the opening of the poll, as required by law, this the 3d day of November, A. D. 1874, at Big Creek precinct in the above-named county and Territory.

Witness my hand this 3d day of November, A. D. 1874.

MICHAEL MIAR.

I hereby certify that I administered the oath of office to the above-named officers of election, with the exception of myself, and the oath of office was administered to me by J. J. Gaunt, this the 3d day of November, A. D. 1874.

MICHAEL MIAR.

1 Samuel Ramer
2 Lawrence Sexton
3 John Downey

4 Michael Miar
5 J. J. Gaunt
6 Walter Simmons

At an election held in Big Creek precinct, district No. 2, Lemhi County, Idaho Territory, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

MICHAEL MAIR,
J. J. GAUNT,
SAMUEL RAMER,
Judges.

LAWRENCE SEXTON,
WALTER SIMMONS,
Clerks.

Delegate to Congress: T. W. Bennett, 1; S. S. Fenn, 5.
District attorney: Jonas W. Brown, 1; Geo. Ainslie, 5.
Territorial council: E. T. Beatty, 6; Thomas Elaer, —.
For house of representatives: Jesse McCaleb, 6.
For house of representatives: N. P. Musgrove, 4.
For house of representatives: Geo. L. Shoup, —.
For house of representatives: F. Tuthill, 2.
Probate judge: B. F. Price, 5; S. McCain, 1.
For sheriff: D. W. Stahl, 1; J. G. Finnell, 5.
Auditor and recorder: Thomas Pope, —; John Hogan, 6.
Assessor and collector: E. Kenney, 1; C. W. Manasco, 5.
For treasurer: Ira Tingley, 5; J. Brown, 1.
County commissioner: J. C. Richardson, 1; Andrew Jenkins, 5.
School superindendent: I. P. Jewell, 1.

I hereby certify the foregoing to be a true, full, and correct copy of the poll-books of Big Creek precinct, Lemhi County, Idaho Territory, at the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of County
Commissioners Lemhi County, Idaho Territory.*

EXHIBIT G.

Original poll-list of Oro Grande precinct, district No. 3, Lemhi County, Idaho Territory, election November 3, 1874.

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following-named persons, viz, James R. Baxter, Joseph Boggs, and Amos Franklin, as judges or inspectors of election, and E. G. Dodge and B. F. Rapp, as clerks of election, were duly sworn on oath by me previous to the opening of the poll, as required by law, this the 3d day of November, A. D. 1874, at the town of Oro Grande, in the third district, Lemhi County, Idaho Territory.

Witness my hand this the 3d day of November, 1874.

JOHN H. HUNTER,
Justice of the Peace.

1 Jeremiah Bamaue	8 E. P. Dodge
2 D. B. Varney	9 J. H. Hunter
3 Wm. Morrow	10 Jacob Painter
4 James Dodge	11 Joseph Boggs
5 A. A. Mayfield	12 Amos Franklin
6 J. R. Baxter	13 B. F. Rapp
7 A. Scriver	

At an election held in the town of Oro Grande, third district, Lemhi County, Idaho Territory, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

JAS. R. BAXTER,
JOSEPH BOGGS,
AMOS FRANKLIN,
Judges of Election.

B. F. RAPP,
E. G. DODGE,
Clerks of Election.

For Delegate to Congress: Thomas W. Bennett, 10; S. S. Fenn, 3.
District attorney, second district: Jonas W. Brown, 8; Geo. Ainslie, 5.
Sheriff: David Stahl, 8; Green Finnell, 5.
Probate judge: S. McCain, 8; B. F. Price, 5.
Auditor and recorder: Thomas Pope, 7; John Hogan, 6.
Treasurer: J. Brown, 8; Ira Tingley, 5.
Assessor and collector: E. Kenney, 2; C. W. Manasco, 11.
County commissioner, district No. 3: A. P. Challis, 7; A. A. Mayfield, 5.
County commissioner, district No. 2: Andrew Jenkins, 4.
County commissioner, district No. 1: Wm. Felkner, 4.
Superintendent of schools: I. P. Jewell, 6; William Norton, 6.
Assemblymen: Geo. L. Shoup, 10; Floyd C. Tuthill, 6; Jesse McCaleb, 6; N. P. Musgrove, 3.
Councilmen: Thomas Elder, 8; E. T. Beatty, 5.

I hereby certify the foregoing to be a full, true, and correct copy of the poll-books of Oro Grande precinct, Lemhi County, Idaho Territory, at the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of County
 Commissioners Lemhi County, Idaho Territory.*

EXHIBIT H.

*Original poll-list Robinson Bar precinct, district No. 3, Lemhi County,
 Idaho Territory, election November 3, 1874.*

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following-named persons, viz, W. H. Boyd, Robert Taylor, and James Bartley, as judges or inspectors of election, and Joel Richardson and W. A. Norton, as clerks of election, were duly sworn on oath by me previous to the opening of the poll, as required by law, this the 3d day of November, A. D. 1874, at Robinson Bar precinct, Lemhi County, Idaho Territory.

Witness my hand this 3d day of November, A. D. 1874.

I hereby certify that I have administered the oath of office to the above-named officers of election, with the exception of myself, and the oath of office was administered to me by Robert Taylor, this 3d day of November, A. D. 1874.

1 C. J. Tassell	9 A. P. Challis
2 Hugh Renney	10 Joel Richardson
3 Thomas Reily	11 E. H. Mulock
4 J. W. Bartley	12 Marshall Crawford
5 W. H. Boyd	13 Fred. Wallace
6 Robert Taylor	14 W. A. Gardiner
7 W. A. Norton	15 J. G. Morrison
8 J. S. Rohrer	

At an election held at Robinson Bar precinct, district No. 1, Lemhi County, Idaho Territory, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names:

ROBERT TAYLOR,
 W. H. BOYD,
 J. H. BARTLEY,
Judges of Election.

W. A. NORTON,
 JOEL. RICHARDSON,
Clerks of Election.

ROBINSON BAR, *Lemhi County, I. T., Nov. 3, 1874.*

Delegate to Congress: S. S. Fenn, 7.

For district attorney, second judicial district: Geo. Ainslie, 9; Jonas W. Brown, 5.

For territorial council: E. T. Beatty, 9; Thomas Elder, 6.

For house of representatives: Jesse McUable, 15; Geo. L. Shoup, 15.

For sheriff: J. G. Finnell, 6; D. W. Stahl, 8.

For assessor: C. W. Manasco, 15.

For auditor and recorder: John Hogan, 9; Thomas Pope, 6.

For treasurer: Ira Tingley, 10; J. Brown, 5.

For probate judge: B. F. Price, 9; S. McCain, 6.

For county school superintendent: J. P. Jewell, 3.

For county commissioner, third district: A. A. Mayfield, 7; A. P. Challis, 7.

I hereby certify the foregoing to be a full, true, and correct copy of the poll-books of Robinson Bar precinct, Lemhi County, Idaho Territory, at the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of County
Commissioners Lemhi County, Idaho Territory.*

EXHIBIT I.

*Original poll-list Stanley Bason precinct, district No. 3, Lemhi County,
Idaho Territory, election November 3, 1874.*

CERTIFICATE.

LEMHI COUNTY, IDAHO TERRITORY.

This is to certify that the following-named persons, viz, John Moore, P. C. Albert, and S. S. Boorne, as judges or inspectors of election, and Daniel Young and P. A. Wathne, as clerks of election, were duly sworn on oath by me previous to the opening of the poll, as required by law, this the 3d day of November, A. D. 1874, at Stanley Bason precinct, district No. 3, Lemhi County, Idaho Territory.

Witness my hand this 3d day of November, 1874.

JOHN MOORE.

I hereby certify that I have administered the oath of office to the above-named officers of election, with the exception of myself, and the oath of office was administered to me by S. S. Boorne this the 3d day of November, A. D. 1874.

JOHN MOORE.

1 Daniel Young
2 S. S. Boorne
3 J. Moore
4 W. W. Carles

5 Thomas Beech
6 P. C. Albert
7 P. A. Wathne
8 Wm. Dorn

At an election held in Stanley Bason, district No. 3, county of Lemhi Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names.

JOHN MOORE,
S. S. BOORNE,
P. C. ALBERT,
Judges of Election.

P. A. WATHNE,
DANIEL YOUNG,
Clerks of Election.

Delegate to Congress: Thomas W. Bennett, 5.
 District attorney, second judicial district: Jonas W. Brown, 5.
 Territorial council: E. T. Beatty, 3; Thomas Elder, 5.
 Territorial house of representatives: Floyd C. Tuthill, 5; Geo. L. Shoup, 7; Jesse McCaleb, 3; N. P. Musgrove, 1.
 Sheriff: J. G. Fiuncell, 4; D. W. Stahl, 4.
 Assessor and collector; C. W. Manasco, 8.
 Auditor and recorder: John Hogan, 3; Thomas Pope, 5.
 Treasurer: J. Brown, 7; Ira Tingley, 1.
 Probate judge: B. F. Price, 3; S. McCain, 5.
 School superintendent: William Norton, 3; I. P. Jewell, 5.
 County commissioner, third district: A. P. Challis, 7; A. A. Mayfield, 1.

I hereby certify the foregoing to be a full, true, and correct copy of the poll-books of Stanley Bason precinct, Lemhi County, Idaho Territory, at the general election held November 3, 1874, and canvassed by the board of county commissioners of Lemhi County November 14, 1874.

Given under my hand and official seal this 19th day of February, A. D. 1875.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of County
 Commissioners, Lemhi County, Idaho Territory.*

EXHIBIT J.

SALMON CITY, *Lemhi County, Idaho Territory.*

I, John Hogan, auditor and recorder and clerk of the board of county commissioners of Lemhi County, Idaho Territory, do hereby certify that at the general election held in Lemhi County, Idaho Territory, on the 3d day of November, A. D. 1874, for Delegate to Congress, territorial and county officers, and canvassed by the board of county commissioners November 14, 1874—

For Delegate to Congress, T. W. Bennett received 134 votes; for Delegate to Congress, S. S. Fenn received 102 votes.

Given under my hand and official seal this 19th day of February, A. D. 1874.

[SEAL.]

JOHN HOGAN,
*Auditor and Recorder and Clerk of the Board of County
 Commissioners, Lemhi County, Idaho Territory.*

Certificate of probate judge.

TERRITORY OF IDAHO, *County of Lemhi, ss:*

I, Sylvester McCain, probate judge in and for the county of Lemhi, Idaho Territory, do hereby certify that the witnesses in the foregoing depositions named were by me, before being examined, duly sworn to testify the truth, the whole truth, and nothing but the truth; that said depositions were taken at the time and place mentioned in the annexed notice of S. S. Fenn of taking depositions, to wit, at my office, in Salmon City, in said county and Territory, commencing on the 2d day of February, A. D. 1875, at the hour of 9 o'clock of said day, and continued

thereafter as in said depositions appears; that said depositions were reduced to writing by me, and when completed were by me carefully read to said witnesses, and being by them corrected were by them subscribed in my presence; that the annexed exhibits, marked Exhibit A, Exhibit B, Exhibit C, Exhibit D, Exhibit E, Exhibit F, Exhibit G, Exhibit H, Exhibit I, and Exhibit J, are the exhibits referred to in said depositions and made a part thereof; that the annexed notice of contest of S. S. Fenn and the answer thereto by T. W. Bennett are sworn copies of the originals.

Given under my hand and the seal of said probate court, at Salmon City, this 23d day of February, A. D. 1875.

[SEAL.]

SYLVESTER MCCAIN,
Probate Judge.

Certificate of clerk.

TERRITORY OF IDAHO,
County of Lemhi, ss:

I, E. A. Hollister, clerk of the district court of the third judicial district of Idaho Territory, in and for the county of Lemhi, do hereby certify that Sylvester McCain, whose name is signed to the foregoing certificate, is now and has been since the 1st day of January, A. D. 1875, the sole judge of the probate court of Lemhi County, Idaho Territory, duly elected and qualified, and the said certificate is in his own proper handwriting, and that his name thereto attached is his own genuine signature, and that full faith and credit are and ought to be extended to all such official acts, and that said certificate is in due form of law, and that said probate court is a court of record.

In testimony whereof I have hereunto set my hand and affixed the seal of said district court this 23d day of February, A. D. 1875.

[SEAL.]

E. A. HOLLISTER, *Clerk,*
By G. JESSE MCCALES,
Deputy Clerk.

IDAHO COUNTY.

Notice to take depositions at Washington.

BOISE CITY, *January 22, 1875.*

SIR: You will please take notice that on the 18th day of February, A. D. 1875, in Washington, Idaho County, Idaho Territory, before Peter Grogan, judge of the probate court of said county, at his office in said town of Washington, I propose to commence the examination of the witnesses whose names are given below. The examination of said witnesses, and others whose names may be furnished you within the time limited by law, will be continued from day to day, and over Sundays and non-judicial days, between the hours of 9 o'clock a. m. and 8 o'clock p. m. of each day until the same shall be completed. The testimony thus taken is to be used in the contested-election case of Delegate to the Forty-fourth Congress of the United States from Idaho Territory, in which I am contestant and you are contestee. •

S. S. FENN.

To THOMAS W. BENNETT.

Names of witnesses to be examined in pursuance of the foregoing notice: B. F. Morris, Charles Wood, John Hussey, H. Van Buren, N. Graytray, F. Klippel, Norman B. Willey.

TERRITORY OF IDAHO,
County of Ada :

I. L. Tiner, being duly sworn, deposes and says that he served the foregoing notice of taking depositions upon T. W. Bennett, the party to whom the same is addressed, by delivering to him personally a true and correct copy thereof in Boise City, Ada County, Idaho Territory, on Friday, the 22d day of January, A. D. 1875.

I. L. TINER.

Subscribed and sworn to before me this 22d day of January, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Deposition at Washington.

Caption.

Be it remembered, that pursuant to the notice of taking depositions by S. S. Fenn hereunto annexed, commencing on the 18th day of February, A. D. 1875, at my office in Washington, Idaho County, Idaho Territory, before me, Peter Grogan, judge of the probate court in and for the county of Idaho, the same being a court of record, personally appeared the witnesses whose names appear in the following depositions, produced on behalf of S. S. Fenn in accordance with the annexed notice, and who, being by me first duly sworn, were then and there examined and interrogated by Alonzo Leland, esq., counsel for and in behalf of S. S. Fenn, and who severally testified as follows :

Testimony of B. F. Morris.

B. F. MORRIS called and sworn.

Question 1. State your name, age, place of residence, and occupation.—
Answer. My name is B. F. Morris; am thirty years of age; reside at Washington, Idaho County, Idaho Territory; my occupation is auditor and recorder and clerk of board of county commissioners of Idaho County.

Q. 2. State what office in Idaho County you held last year.—A. I held the office of auditor and recorder and clerk of the board of county commissioners of Idaho County last year.

Q. 3. State whether you were present at the canvass of the returns from the various election-precincts, of the election of November 3, 1874, in Idaho County, by the county canvasser.—A. I was.

Q. 4. If you were present state who else were present, and who made the canvass, and what offices did the parties making the canvass hold?—
A. H. A. Tinkham, H. Van Buren, Alex. McDonald, G. M. Shearer, J. W. Poe, J. M. Anchinvole, George Church, A. H. Sanderson, Fred. Klippel, Leo Hofen, and a number of others were present at the time the returns were opened and counted by the board of canvassers. H. A. Tinkham and H. Van Buren made the canvass. The parties making

the canvass held the offices of county commissioners in Idaho County at the time of the canvass.

Q. 5. State what was the result of that canvass as to Delegate to Congress. How many votes did that canvass show that S. S. Fenn received in Idaho County, and how many votes did T. W. Bennett receive?—A. It showed that S. S. Fenn received one hundred and sixty-three, and showed T. W. Bennett received twenty-three, omitting the Slate Creek returns.

Q. 6. Who were candidates before the people of your county at the election of November 3, 1874, for Delegate in Congress?—A. S. S. Fenn and T. W. Bennett were all that I know of.

Q. 7. Look now at this paper marked "Exhibit A," and state what it is.—A. It is a certified and true copy of the election-returns of Warren precinct of this county.

Q. 8. Look at this paper marked "Exhibit B," and state what it is.—A. It is a true and correct copy of the election-returns from Rains precinct in this county.

Q. 9. Look at this paper marked "Exhibit C," and state what it is.—A. It is a true and correct copy of the election-returns of Florence precinct in this county.

Q. 10. Look at this paper marked "Exhibit E," and state what it is.—A. It is a true and correct copy of the election-returns of Elk Creek precinct in this county.

Q. 11. Look at this paper marked "Exhibit D," and state what it is.—A. It is a true and correct copy of the returns of the John Day Creek election-precinct in this county.

Q. 12. Look at this paper marked "Exhibit F," and state what it is.—A. It is a true and correct copy of the White Bird precinct election-returns in this county.

Q. 13. Look at this paper marked "Exhibit G," and state what it is.—A. It is a true and correct copy of the election-returns of Slate Creek precinct, with certified copy of the tally-sheet of said precinct on the back of said returns, also giving the names of the voters at said precinct at said election in this county.

Q. 14. Look at this paper and state what it is, (marked "Exhibit H.")—A. It is a true and correct copy of the abstract of votes cast for the various offices therein mentioned, as recorded in the record of the board of canvassers at the time the returns were counted, November 7, 1874.

Q. 15. How many election-precincts are there in Idaho County and what are their names?—A. There are seven precincts in Idaho County at which elections were held on the 3d day of last November, viz, Warren, Florence, Rains, Elk Creek, John Day Creek, Slate Creek, and White Bird.

Q. 16. Look at this paper marked "Exhibit I," and state what it is.—A. It is a true and correct abstract of the number of votes cast for Delegate in Congress, in Idaho County, Idaho Territory, November 3, 1874, as canvassed by the board of canvassers of Idaho County, Idaho Territory, on November 7, 1874.

B. F. MORRIS.

Testimony of Fred Klippel.

FRED KLIPPEL called, sworn, and testifies as follows, to wit:

Question. State your name, age, your place of residence, and occu

pation.—Answer. Fred Klippel; thirty years of age; place of residence, Washington, Idaho County, Idaho Territory; occupation, a miner.

Q. State whether or not you were present at the canvass of the returns from the various election-precincts of the election of November 3, 1874, in Idaho County, by the county canvassers.—A. I was.

Q. State who else were present and who made the canvass, and what offices did the parties making the canvass hold?—A. J. W. Poe, Leo Hofen, George Shearer, Harry Tinkham, A. H. Sanderson, H. Van Buren, Alexander McDonald, C. W. Case, George Church, John Auchinvole, A. Freidenrich, M. S. McHale, B. F. Morris, and many others were present at the canvass; H. A. Tinkham and H. Van Buren made the canvass, and B. F. Morris was clerk of the board of canvassers. The parties making the canvass held the offices of county commissioner of Idaho County.

Q. State what was the result of that canvass as to Delegate to Congress; how many votes did that canvass show that S. S. Fenn received in Idaho County, and how many votes did T. W. Bennett receive.—A. S. S. Fenn received one hundred and sixty-three votes, and T. W. Bennett twenty-three votes, not counting the Slate Creek precinct returns.

Q. State who were candidates before the people of your county at the election of November 3, 1874, for Delegate in Congress.—A. T. W. Bennett and S. S. Fenn.

Q. State how many election-precincts there are in Idaho County and what are their names.—A. There are seven election-precincts at which elections were held last November 3, in Idaho County, viz: Rains, Warren's, Elk Creek, Florence, John Day Creek, Slate Creek, and White Bird.

FRED KLIPPEL.

Testimony of N. B. Willey.

N. B. WILLEY, called and sworn, testifies as follows:

Question. State your name, age, place of residence, and occupation.—Answer. My name is N. B. Willey; age thirty-six; place of residence, Washington, Idaho County, Idaho Territory; occupation, attorney at law; held no county office in Idaho County last year.

Q. State whether or not you were present at the canvass of the returns from the various election-precincts of the election of November 3, 1874, in Idaho County by the county canvassers.—A. I was not.

Q. State what was the result of that canvass as to Delegate to Congress, how many votes did that canvass show that S. S. Fenn received in Idaho County, and how many votes did T. W. Bennett receive?—A. I find from the records of the board of canvassers that S. S. Fenn received one hundred and sixty-three votes, and T. W. Bennett twenty-three votes, Slate Creek precinct having been omitted.

Q. Who were candidates before the people of this county at the election of November 3, 1874, for Delegate in Congress?—A. S. S. Fenn and T. W. Bennett were the only candidates before the people.

Q. How many election-precincts are there in Idaho County, and what are their names?—A. Seven, viz: Warren's, Florence, Rains, Elk Creek, John Day's Creek, Slate Creek, and White Bird.

N. B. WILLEY.

There being no other witnesses present ready for examination, the

commissioner adjourned till Friday, the 19th February, 1875, at o'clock p. m.

PETER GROGAN,
Probate Judge and Special Commissioner.

EXHIBIT A.

Poll-book of election.

TERRITORY OF IDAHO:

County of Idaho, ss :

At an election held at the house of B. T. Morris, in Warren's election precinct, in the county of Idaho and Territory of Idaho, on the third day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit:

Votes for Delegate to Congress: S. S. Fenn, 85; T. W. Bennett, 4.
 Votes for councilman: S. P. U. Howard, 82; Alex. McDonald, 7.
 Votes for house of representatives: Phil. Cleary, 59; George Shearer, 35; F. Klippel, 57; Tom Clark, 16; Wm. Rhett, 7.
 Votes for district attorney, dist. No. 3: John Clark, 34.
 Votes for probate judge: Peter Grogan, 75; C. A. Sears, 12.
 Votes for sheriff: C. W. Case, 71; G. W. Dyer, 18.
 Votes for auditor and recorder: B. F. Morris, 85; G. Bannard, 3.
 Votes for county treasurer: Geo. Church, 60; N. B. Willey, 29.
 Votes for county assessor: T. J. Rhoads, 24; J. M. Auchinvole, 65.
 Votes for county commissioners: A. Fredenrich, 84; S. W. Carpenter, 61; Geo. Woodward, 75; John Wood, 23; John Draper, 5.
 Votes for sup't public instruction: J. J. Manuel, 47; H. Elfers, 40.
 Road sup.: M. S. McHalee, 45 votes; A. H. Sanderson, 41 votes.

Certified to by us.

JACOB KLIPPEL,
CHAS. JOHNSON,
JAMES EDWARDS,
Judges of Election.

C. W. CARR,
M. S. McHALE,
Clerks of Election.

I hereby certify the foregoing to be a full, true, and correct copy of the election-returns of Warren's precinct, Idaho County, Idaho Territory.

In witness whereof I have hereunto set my hand and affixed the seal of the board of county commissioners of Idaho County, I. T. Done at Washington, I. T., February 18, 1875.

[SEAL.]

B. F. MORRIS,
Clerk Board of Co. Commissioners Idaho Co., I. T.

EXHIBIT B.

Poll-book of election.

TERRITORY OF IDAHO,
County of Idaho, ss:

At an election held at the house of James Rains, in Rains election-precinct, in the county of Idaho and Territory of Idaho, on the third day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit:

Votes for Delegate to Congress: S. S. Fenn, 7; T. W. Bennett, —.
 Votes for councilman: S. P. C. Howard, 7; Alex. McDonald, —.
 Votes for house of representatives: Phil. Cleary, 6; G. M. Shearer, 4; Fred. Klippel, 2; Thos. Clark, —; W. H. Rhett, —.
 Votes for district attorney, district No. 3: John Clark, 2.
 Votes for probate judge: Peter Grogan, 7; C. A. Sears, —.
 Votes for sheriff: C. W. Case, 5; George Dyer, 2.
 Votes for auditor and recorder: B. F. Morris, 5; George Bannard, 2.
 Votes for county treasurer: George Church, 7; N. B. Willey, —.
 Votes for county assessor: T. J. Rhoads, 2; John Auchinvole, 5.
 Votes for county commissioners: A. Freidenrich, 7; S. W. Carpenter, 7; George Woodward, 2; John Draper, 4; John Wood, —.
 Votes for superintendent public instruction: J. J. Mamiel, 1; Henry Elfers, 6.
 Road supervisor: A. H. Sanderson, 5.
 Certified to by us.

JAMES CONNER,
 JAMES P. RAINS,
 G. W. DALLAS,
Judges of Election.

P. McTEIGUE,
 TH. CLAY,
Clerks of Election.

I hereby certify that the foregoing is a full, true, and correct copy of the original election-returns of Rains precinct, Idaho County, Idaho Territory.

In witness whereof I have hereunto set my hand and affixed the seal of the board of county commissioners of Idaho County, Idaho Territory.
 February 18, 1875.

[SEAL.]

B. F. MORRIS,
*Clerk of the Board of County Commissioners of
 Idaho County, Idaho Territory.*

EXHIBIT C.

Poll-book of election.

TERRITORY OF IDAHO,
County of Idaho, ss:

At an election held at the house of J. B. Chamberlain, in Florence election-precinct, in the county of Idaho and Territory of Idaho, on the

third day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit:

Votes for Delegate to Congress: S. S. Fenn, 28; T. W. Bennett, 9.
 Votes for councilman: S. P. C. Howard, 20; Alexander McDonald, 16.
 Votes for house of representatives: Phil. Cleary, 17; G. M. Shearer, 16; Tom Clark, 18; W. H. Rhett, 15; Fred. Klippel, 2.
 Votes for district attorney, district No. 1: John Clark, 22.
 Votes for probate judge: Peter Grogan, 25; C. A. Sears, 11.
 Votes for sheriff: C. W. Case, 25; G. W. Dyer, 10.
 Votes for auditor and recorder: B. F. Morris, 19; G. Bannard, 15.
 Votes for county treasurer: George Church, 22; N. B. Willey, 14.
 Votes for county assessor: T. J. Rhoads, 24; J. M. Anchinvole, 12.
 Votes for county commissioners: A. Freidenrich, 18; S. W. Carpenter, 33; John Draper, 17; John Wood, 17; George Woodward, 18.
 Votes for superintendent public instruction: J. J. Manuel, 22; J. H. Elfers, 14.

PRECINCT OFFICERS.

Votes for justice of the peace: J. B. Chamberlain, 33.
 Votes for road supervisor: J. W. Rainey, 17; R. Nugent, 10; J. Clark, 7.

Certified to by us.

H. SERREN,
 J. REDINGTON,
 OWEN McCORMICK,
Judges of Election.

M. STORMS,
 J. B. CHAMBERLAIN,
Clerks of Election.

I hereby certify that the foregoing is a full, true, and correct copy of the original election returns of Florence precinct, Idaho County, Idaho Territory.

In witness whereof I have hereunto set my hand and seal of the board of county commissioners of Idaho County, Idaho Territory, February 18, 1875.

[SEAL.]

B. F. MORRIS,
*Clerk of Board of County Commissioners
 Idaho County, Idaho Territory.*

EXHIBIT D.

Poll-book of election.

TERRITORY OF IDAHO,
County of Idaho, ss:

At an election held at the house of H. Elfers, in John Day's Creek election-precinct, in the county of Idaho and Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received

the number of votes annexed to their respective names, for the following-described offices, to wit:

Votes for Delegate to Congress: S. S. Fenn, 11; T. W. Bennett, 6.
 Votes for councilman: S. P. C. Howard, 9; Alex. McDonald, 8.
 Votes for house of representatives: Phil. Cleary, 12; G. M. Shearer, 3; Tom Clark, 5; W. H. Rhett, 13; Klippel, —.
 Votes for district attorney, district No. 1: John Clark, 12.
 Votes for probate judge: Peter Grogan, 13; C. A. Sears, 4.
 Votes for sheriff: C. W. Case, 5; George W. Dyer, 12.
 Votes for auditor and recorder: B. F. Morris, 4; George Bannard, 13.
 Votes for county treasurer: George Church, 8; N. B. Willey, 9.
 Votes for county assessor: T. J. Rhoads, 9; J. M. Anchinvole, 8.
 Votes for county commissioners: A. Freidenrich, 8; S. W. Carpenter, 16; J. W. Draper, 4; John Wood, 14; George Woodward, 8.
 Votes for superintendent public instruction: J. J. Manuel, 7; J. H. Elfers, 10.

PRECINCT OFFICERS.

Votes for justice of the peace: Perry Clark, 9.
 Votes for constable: R. Royel, 3.
 Road supervisor: James Hassard, 11.
 Certified to by us:

R. DEVINE,
 HERMANN DUHNE,
 J. H. ELFERS,
Judges of Election.

NORMAN GOULD,
 THOS. POLLACK,
Clerks of Election.

I hereby certify that the foregoing is a full, true, and correct copy of the original election-returns of John Day's Creek precinct, Idaho County, Idaho Territory.

In witness whereof I have hereunto set my hand and affixed the county commissioners' seal of Idaho County, Idaho Territory, this February 18, 1875.

[SEAL.] B. F. MORRIS,
Clerk Board of County Commissioners of Idaho County, I. T.

EXHIBIT E.

Poll-book of election.

TERRITORY OF IDAHO,
County of Idaho, ss :

At an election held at the house of F. A. Shearer, in Elk Creek election-precinct, in the county of Idaho and Territory of Idaho, on the third day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit:

Votes for Delegate to Congress: S. S. Fenn, 4; T. W. Bennett, 1.
 Votes for councilman: S. P. C. Howard, 2; Alex. McDonald, 3.

Votes for house of representatives: Geo. M. Shearer, 5; Phil. Cleary, 2; Tom. Clark, 1; Wm. Rhett, —; Fred. Klippel, 2.

Votes for district attorney, district No. 1: John Clark, 5.

Votes for probate judge: Peter Grogan, 4; C. A. Sears, 1.

Votes for sheriff: C. W. Case, 4; Geo. W. Dyer, 1.

Votes for auditor and recorder: B. F. Morris, 4; Geo. Bannard, 1.

Votes for county treasurer: George Church, 1; N. B. Willey, 4.

Votes for county assessor, T. J. Rhoads, 4; J. M. Auchinvole, 1.

Votes for county commissioners: A. Freidenrich, 4; S. W. Carpenter, 1; J. W. Draper, —; John Wood, 5; George Woodward, 5.

Votes for superintendent public instruction: J. J. Manuel, 1; J. H. Elfers, 4.

Precinct officers.

Votes for justices of the peace: F. A. Shearer, 3.

Votes for road supervisor: W. J. Rainey, 3.

The judges of election were sworn in by F. A. Shearer, a justice of the peace, who, being elected one of the judges, was sworn in by one of the other judges, as had also the clerks.

Certified to by us:

F. A. SHEARER,
N. W. EARL,
WM. JOHNSON,
Judges of Election.

GEO. M. SHEARER,
PETER SMITH,
Clerks of Election.

I hereby certify that the foregoing is a full, true, and correct copy of the original election-returns of Elk Creek precinct, Idaho County, Idaho Territory.

In witness whereof I have hereunto set my hand and affixed the county commissioners' seal of Idaho County, Idaho Territory, February 18, 1875.

[SEAL.]

B. F. MORRIS,
*Clerk of Board of County Commissioners,
Idaho County, Idaho Territory.*

EXHIBIT F.

Poll-book of Election.

TERRITORY IDAHO,

County of Idaho, ss:

" At an election held at the house of H. Mason, in White Bird election-precinct, in the county of Idaho and Territory of Idaho, on the third day of November, 1874, the following named persons received the number of votes annexed to their respective names, for the following described offices, to wit:

Votes for Delegate to Congress: S. S. Fenn, 28; T. W. Bennett, 3.

Votes for councilman: S. P. C. Howard, 24; Alex. McDonald, 6.

Votes for house of representatives: Phil. Cleary, 21; G. M. Shearer, 3; W. H. Rhett, 29; Tom Clark, 8; Fred Klippel, 2.

Votes for district attorney, district No. 1: John Clark, 27.
 Votes for probate judge: Peter Grogan, 24; U. A. Sears, 7.
 Votes for sheriff: C. W. Case, 27; G. W. Dyer, 2.
 Votes for auditor and recorder: B. F. Morris, 13; G. Bannard, 17.
 Votes for county treasurer: Geo. Church, 26; N. B. Willey, 5.
 Votes for county assessor: T. J. Rhoads, 22; J. M. Auchinvole, 8.
 Votes for county commissioners: A. Freidenrich, 24; S. W. Carpenter, 30; John W. Draper, 7; John Wood, 22; Geo. Woodward, 6.
 Votes for sup't public instruction: J. J. Manuel, 25; H. Elfers, 6.

PRECINCT OFFICERS.

Votes for justice of the peace: Wm. Osborn, 10; James Baker, 3;
 C. Schuider, 1; G. Popham, 3.
 Votes for constables: Lawrence Ott, 5; John Dumack, 2; J. Richards, 2.
 Votes for road supervisor: H. Mason, 25.

Certified to by us:

J. W. WALKER,
 J. J. MANUEL,
 B. P. BROWN,
Judges of Election.

CONRAD FRUTH,
 LAWRENCE OTT,
Clerks of Election.

I hereby certify that the foregoing is a full, true, and correct copy of the original election-returns of White Bird precinct, Idaho County, I. T.

In witness whereof I have hereunto set my hand and affixed the county commissioners' seal of Idaho county, I. T., February 18, 1875.

B. F. MORRIS,
Clerk of Board of County Commissioners, Idaho County, I. T.

EXHIBIT G.

Poll-book of election.

TERRITORY OF IDAHO,
County of Idaho, ss:

At an election held at the house of John Wood, in Slate Creek election-precinct, in the county of Idaho, and Territory of Idaho, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names, for the following-described offices, to wit:

Votes for Delegate to Congress: S. S. Fenn, 11; T. W. Bennett, 3.
 Votes for councilman: S. P. C. Howard, 10; Alex. McDonald, 4.
 Votes for house of representatives: Phil. Cleary, 7; G. M. Shearer, 4;
 W. H. Rhett, 9; Tom Clark, 6; Fred. Klippel, 1.
 Votes for district attorney, district No. one: John Clark, 11.
 Votes for probate judge: Peter Grogan, 11; C. A. Sears, 3.
 Votes for sheriff: C. W. Case, 11; G. W. Dyer, 3.
 Votes for auditor and recorder: B. F. Morris, 9; George Bannard, 5.

Votes for county treasurer: George Church, 10; N. B. Willey, 3.

Votes for county assessor: T. J. Rhoads, 8; J. M. Auchinvole, 6.

Votes for county commissioners: A. Freidenrich, 6; S. W. Carpenter, 11; J. W. Draper, 3; John Wood, 11; George Woodward, 6.

Votes for superintendent public instruction: J. J. Manuel, 6; Henry Elfers, 8.

Votes for road supervisor: W. B. Anderson, 5; Harry Mason, 6.

PRECINCT OFFICERS.

Votes for justice of the peace: Charles F. Cone, 1; Hiram Titman, 1.

Certified to by us.

L. N. GREYTRAX,
JAMES HUSSEY,
CHARLES B. WOOD,
Judges of Election.

CHARLES F. CONE,
S. W. CARPENTER,
Clerks of Election.

I hereby certify that the foregoing is a full, true, and correct copy of the original election-returns of Slate Creek precinct, Idaho County, Idaho Territory.

In witness whereof I have hereunto set my hand and affixed the seal of the board of county commissioners of Idaho County, Idaho Territory.
February 8, 1875.

[SEAL.]

B. F. MORRIS,
*Clerk of Board of County Commissioners,
Idaho County, Idaho Territory.*

Offices.	Names of persons.	Tally.			Total.
Delegate to Congress.....	S. S. Fenn.....	No. 1 Vinee Tullis.	iiiiiiiiiii.	S. S. Fenn.....	11
Members of legislative council.....	T. W. Bennett.....	2 C. B. Wood.	iii.	T. W. Bennett.....	3
Members of house of representatives.....	S. P. C. Howard.....	3 W. B. Anderson.	iiiiiiiiiii.	S. P. C. Howard.....	10
	Alex. McDonald.....	4 C. F. Cone.	iii.	Alex. McDonald.....	4
	Phil Cleary.....	5 James Hussey.	iiiiiii.	Phil. Cleary.....	7
	G. M. Shearer.....	6 S. W. Carpenter.	iii.	G. M. Shearer.....	4
	W. H. Rhett.....	7 S. Wixson.	iiiiiii.	W. H. Rhett.....	9
	Tom. Clark.....	8 John Wood.	iiiiii.	Tom. Clark.....	6
	Fred. Klippel.....	9 W. H. Rhett.	i.	Fred Klippel.....	-----
District attorney, district No. 3.....	John Clark.....	10 Hiram Titman.	iiiiiiiiiii.	John Clark.....	11
Probate judge.....	Peter Grogan.....	11 G. W. Day.	iiiiiiiiiii.	Peter Grogan.....	11
Sheriff.....	C. A. Sears.....	12 Albert Sanduval.	iii.	C. A. Sears.....	3
	C. W. Case.....	13 S. A. Oglesby.	iiiiiiiiiii.	C. W. Case.....	11
	G. W. Dyer.....	14 L. N. Greytrax.	iii.	G. W. Dyer.....	3
Auditor and recorder.....	B. F. Morris.....	15	iiiiiiiiiii.	B. F. Morris.....	9
	G. Bannard.....	16	iiii.	Geo. Bannard.....	5
County treasurer.....	George Church.....	17	iiiiiiiiiii.	Geo. Church.....	10
County assessor.....	N. B. Willey.....	18	iii.	N. B. Willey.....	3
	T. J. Rhoads.....		iiiiiii.	T. J. Rhoads.....	8
	J. N. Auchinvole.....		iiiiii.	J. M. Auchinvole.....	6
County commissioners.....	A. Freidenrich.....		iiiiii.	A. Freidenrich.....	6
	S. W. Carpenter.....		iiiiiiiiiii.	S. W. Carpenter.....	11
	J. W. Draper.....		iii.	J. W. Draper.....	3
	John Wood.....		iiiiiiiiiii.	John Wood.....	11
Superintendent public instruction.....	George Woodward.....		iiiiii.	Geo. Woodward.....	6
	J. J. Manuel.....		iiiiii.	J. J. Manuel.....	6
Road supervisor.....	H. Elfers.....		iiiiiii.	Henry Elfers.....	8
	W. B. Anderson.....		iiiiii.	W. B. Anderson.....	5
Justices of the peace.....	Harry Mason.....		iiiiii.	Harry Mason.....	6
	C. F. Cone.....		i.	C. F. Cone.....	1
	H. Titman.....		iiiiii.	Hiram.....	5

I hereby certify that the foregoing is a full, true, and correct copy of the tally-sheet as returned to the board of canvassers from Slate Creek precinct.

In witness whereof I have hereunto set my hand and affixed my official seal at Washington, Idaho County, Idaho Territory, February 18, 1875.

[SEAL.]

B. F. MORRIS,

Auditor and Recorder, Idaho County, Idaho Territory.

EXHIBIT H.

TERRITORY OF IDAHO,
County of Idaho, ss :

On this 7th day of November, 1874, board of county commissioners met at their clerk's office in the town of Washington, I. T., as a board of canvassers. Present, H. A. Tinkham, H. Van Buren, and B. F. Morris, clerk of board.

All the returns having been received, proceeded to open and count the votes cast at the different precincts for the different officers, as follows, to wit:

For Delegate to Congress, S. S. Fenn, 163 votes; T. W. Bennett, 23.

For council, S. P. C. Howard, 146; Alex. McDonald, 40.

Representatives, Phil. Cleary, 117; G. M. Shearer, 66; Fred. Klippel, 65; Tom. Clark, 48; W. H. Rhett, 64.

District attorney, John Clark, 102.

For probate judge, Peter Grogan, 148; C. A. Sears, 35.

For sheriff, C. W. Case, 137; G. W. Dyer, 45.

For auditor and recorder, B. F. Morris, 130; George Bannard, 51.

Treasurer, George Church, 124; N. B. Willey, 61.

Assessor and collector, T. J. Rhoads, 85; John M. Auchinvole, 99.

County commissioners, A. Freidenrich, 147; S. W. Carpenter, 148; George Woodward, 114; John Wood, 85; John Draper, 37.

Superintendent public instruction, J. J. Manuel, 103; J. H. Elters, 80.

Precinct officers, road supervisor, Warrens, M. S. McHale, 45; A. H. Sanderson, 46.

For justice of the peace, Elk Creek, F. A. Shearer, 3

Road supervisor, Florence, W. J. Rainey, 20; R. Nugent, 10; J. Clark, 7.

Justice of the peace, J. B. Chamberlain, 33.

For justice of the peace, John Day's precinct, Perry Clark, 9.

For constable, R. Royel, 3.

For road supervisor, James Hazard, 11.

For justice of the peace, White Bird precinct, Wm. Osborn, 10; James Baker, 3; C. Schneider, 1; George Popham, 3.

For constable, L. Ott, 5; J. Richards, 2; J. Donnecy, 2.

Road supervisor, H. Mason, 25.

After adding up the number of votes cast for the various offices at the several precincts in the county, find that each received the number of votes set opposite their respective names; after excluding the returns from Slate Creek precinct for informality as per order of the board, hereby declare the foregoing-named persons for the various offices who are shown to have received the greatest number of votes in the foregoing statement are elected, and hereby order the clerk to issue certificates to the same.

On motion adjourned, without date.

H. A. TINKHAM, *Chairman.*

Attest: B. F. MORRIS, *Clerk.*

I hereby certify that the foregoing is a true and correct and full copy of the record of the board of canvassers, as made by the board of canvassers of Idaho County, Idaho Territory, on the 7th day of November, A. D. 1874.

In witness whereof I have hereunto set my hand and affixed the seal of the board of county commissioners, Idaho County, Idaho Territory.

[SEAL.]

B. F. MORRIS,

Clerk Board Co. Commrs., Idaho Co, I. T.

EXHIBIT I.

TERRITORY OF IDAHO,

County of Idaho, ss :

At an election held at the various precincts in Idaho County, Idaho Territory, on the 3d day of November, A. D. 1874, the following-named persons received the number of votes annexed to their respective names for Delegate to Congress, to wit: S. S. Fenn, 163; T. W. Bennett, 23.

I hereby certify that the foregoing is a correct abstract of the number of votes cast in Idaho County, Idaho Territory, for Delegate in Congress, on November 3d, 1874, as canvassed by the board of canvassers and reported in an abstract to the secretary of Idaho Territory as required by law.

In witness whereof I have hereunto set my hand and affixed my official seal this 18th day of February, A. D. 1875.

[SEAL.]

B. F. MORRIS,

Auditor and Recorder of Idaho County, Idaho Territory,

and Clerk Board of Canvassers Idaho County, Idaho Territory.

Deposition of H. Van Buren.

WASHINGTON, IDAHO TERRITORY,

February 24, 1875.

Probate judge and special commissioner was present at his office in Washington, Idaho Territory, this day at the hour of 10 o'clock a. m., the hour to which he had adjourned; also Alonzo Leland, esq., the counsel for S. S. Fenn in the contested-election case between himself and T. W. Bennett.

The judge proceeded to the taking of evidence in said cause.

Whereupon H. VAN BUREN was called and sworn, who gave the following as his testimony, viz :

Question. State your name, age, place of residence, and occupation. —

Answer. My name is Henry Van Buren; age, forty-four; place of residence, Little Slate Creek, Idaho County, Idaho Territory; occupation, rancher.

Q. State what office, if any, you held in Idaho County last year?—A. I held the office of county commissioner.

Q. State whether or not you were present at the canvass of the returns from the various election-precincts of the election of November 3d, 1874, in Idaho County, by the county canvassers?—A. I was present.

Q. State who else were present.—A. Harry Tinkham, B. F. Morris, Chas. Case, Fred. Klippel, Alex. McDonald, J. W. Poe, John M. Auchenvole, and others.

Q. State who made that canvass, and what offices did they hold?—
A. Harry Tinkham and myself; and we held the office of county commissioners of Idaho County, Idaho Territory.

Q. State on what day of the month that canvass was made?—A. On the 7th day of November, A. D. 1874.

Q. State whether or not, at the time of the canvass you made, official returns had been received by you from all the precincts in Idaho County?—A. They had been received.

Q. State who, if any person, acted as clerk of your board at the time of your making the canvass?—A. B. F. Morris was clerk.

Q. State what was the result of that canvass as to Delegate in Congress, how many votes did that canvass show that S. S. Fenn received in Idaho County, and how many votes did T. W. Bennett receive?—A. Omitting the Slate Creek returns, that canvass showed that S. S. Fenn received 163 votes, and that T. W. Bennett received 23 votes.

Q. Look at this paper, marked "Exhibit A," and state what it is?—
A. It is a certified copy of the election returns of Warrens precinct, Idaho County, Idaho Territory, of the election of November 3, 1874.

Q. Look at this paper, marked "Exhibit B," and state what it is?—
A. It is a certified copy of the election returns of Rain's precinct, Idaho County, Idaho Territory, of the election November 3, 1874.

Q. Look at this paper, marked Exhibit C, and state what it is.—A. It is a certified copy of the election-returns of Florence precinct, Idaho County, Idaho Territory, of the election of November 3, 1874.

Q. Look at this paper, marked Exhibit E, and state what it is.—A. It is a certified copy of the election-returns of Elk Creek precinct, Idaho County, Idaho Territory, of the election of November 3, 1874.

Q. Look at this paper, marked Exhibit D, and state what it is.—A. It is a certified copy of the election-returns of John Day Creek precinct, Idaho County, Idaho Territory, of the election of November 3, 1874.

Q. Look at this paper, marked Exhibit F, and state what it is.—A. It is a certified copy of the election-returns of White Bird precinct, Idaho County, Idaho Territory, of the election held on November 3, 1874.

Q. Look at this paper, marked Exhibit G, and state what it is.—A. It is a certified copy of the election-returns of Slate Creek precinct, Idaho County, Idaho Territory, of the election of November 3, 1874; with a certified copy of the tally-sheet on the back of said precinct returns, also giving the names of the voters at said precinct, at said election.

Q. Look at this paper, marked Exhibit H, and state what it is.—A. It is a certified copy of the abstract of votes cast for the various offices therein mentioned as recorded in the record of the board of canvassers the time the returns were counted, November 7, 1874.

Look at this paper, marked Exhibit I, and state what it is.—A. It is a certified copy of the abstract of the number of votes cast for Delegate in Congress, in Idaho County, Idaho Territory, November 3, 1874, as canvassed by the board of canvassers of Idaho County, Idaho Territory, on November 7, 1874.

Q. How many election-precincts were there in Idaho County, November 3, 1874, and what were their names?—A. There were seven at which elections were held on that day, namely: Warrens, Florence, Rains, Elk Creek, John Day Creek, Slate Creek, and White Bird.

Q. Were all the votes for T. W. Bennett, as Delegate in Congress, counted by you as canvassers, which were returned from the different precincts of said county with the exception of those returned from Slate Creek precinct?—A. They were all counted with the exception of those from Slate Creek.

Q. How many votes cast for T. W. Bennett at Slate Creek were rejected?—A. Three.

Q. How many votes cast for S. S. Fenn at Slate Creek were rejected by you?—A. Eleven.

H. VAN BUREN.

Certificate of probate judge.

TERRITORY OF IDAHO,

County of Idaho, ss :

I, Peter Grogan, judge of the probate in and for said county of Idaho, do hereby certify that the witnesses in the foregoing depositions named were by me duly sworn to testify the truth, the whole truth, and nothing but the truth; that said depositions were taken at the time and place mentioned in the annexed notice of taking depositions, to wit, at my office, in the town of Washington, in said county of Idaho, commencing on the 18th day of February, A. D. 1875, and continuing thereafter from day to day, and over Sundays and non-judicial days, between the hours of nine o'clock a. m. and eight o'clock p. m. of each day; that said depositions were reduced to writing by me, and when completed were carefully read by me to said witnesses, and being by them corrected, were by them subscribed in my presence; that the annexed exhibits, marked Exhibit A, Exhibit B, Exhibit C, Exhibit E, Exhibit D, Exhibit F, Exhibit G, Exhibit H, Exhibit I, are the identical exhibits referred to by said witnesses, and in regard to which they have testified.

In witness whereof I have hereunto subscribed my name and affixed my seal of office, this 24th day of February, A. D. 1875.

[SEAL.]

PETER GROGAN,

Probate Judge of Idaho County, Idaho Territory.

Certificate of clerk.

TERRITORY OF IDAHO,

County of Idaho, ss :

I, H. Squier, clerk of the district court of the first judicial district of Idaho Territory, in and for the county of Idaho, do hereby certify that Peter Grogan, whose name is signed to the foregoing certificate, is now, and has been since the 4th day of January, A. D. 1875, judge of the probate court in and for said county of Idaho, duly elected and qualified, and that his name thereto attached to said certificate is his genuine signature, and that full faith and credit are and ought to be extended to all such of his official acts.

In testimony whereof I have hereunto set my hand and affixed the seal of said court, at Washington, this 10th day of March, A. D. 1875.

[SEAL.]

H. SQUIER,

Clerk said Court.

Notice to take depositions in Nez Perces County.

BOISE CITY, ADA COUNTY,

Idaho Territory, April —, 1875.

SIR : You will please take notice that on Wednesday, the 14th day of April, A. D. 1875, at Lewiston, Nez Perces County, Idaho Territory, be-

fore the Hon. John G. Berry, judge of the probate court in and for said county, at his office in the town of Lewiston, I propose to commence the examination of the witnesses whose names are given below. The examination of said witnesses will be continued from day to day, between the hours of nine o'clock a. m. and six o'clock p. m. of each day within the time limited by law for rebuttal testimony, until the same shall be completed. The testimony thus taken is to be used in the contested-election case of Delegate to the forty-fourth Congress of the United States from Idaho Territory, in which I am contestant and you are contestee.

S. S. FENN.

T. W. BENNETT.

Witnesses to be examined in pursuance of the foregoing notice: H. O. Adams, H. C. Whitsen, W. P. Hunt, John Brurley, Hazen Squier, J. B. Menomy, C. G. Kreiss, S. S. Fenn.

J. L. TINER.

TERRITORY OF IDAHO,
County of Ada, ss:

I. L. Tiner, being duly sworn, on oath says that he served the foregoing notice on Thomas W. Bennett, in Boise City, Ada County, Idaho Territory, on April 7, A. D. 1875, by delivering a true and correct copy thereof to him personally.

I. L. TINER.

Subscribed and sworn to before me this 8th day of April, A. D. 1875.
[SEAL.]

A. L. RICHARDSON,
Clerk Sup. Court, Idaho Territory.

Notice to take testimony.

In the matter of the contested election for the Delegateship from the Territory of Idaho to the House of Representatives of the Forty-fourth Congress of the United States of America.

To THOMAS W. BENNETT,
Contestee, or his attorney:

You are hereby notified that, on the 12th day of April, A. D. 1875, between the hours of 10 o'clock a. m. and 6 o'clock p. m. of said day, at Lewiston, Nez Perces County, Territory of Idaho, before John G. Berry, probate judge in and for said county of Nez Perces, at his office in the town of Lewiston, Idaho Territory, I will take the testimony of H. O. Adams, W. P. Hunt, John Bralie, and Jasper Rand.

The examination of said witnesses, and others whose names may be furnished you within the time limited by law for rebuttal testimony, will be continued from day to day, and over Sundays, between the hours aforesaid, until the same shall be completed. The testimony thus taken is to be used in the contested-election case of Delegate to the Forty fourth Congress of the United States from the Territory of Idaho, in which S. S. Fenn is contestant, and you, the said Thomas W. Bennett, is contestee.

S. S. FENN, *Contestant.*
By his attorney, W. G. LANGFORD.

TERRITORY OF IDAHO,
County of Nez Perces, ss :

W. G. Langford, being first sworn, deposes and says that he served the above notice by delivering a true copy thereof personally to Jas. M. How, the attorney of the above-named Thomas W. Bennett, contestee, at the town of Lewiston, county of Nez Perces, Territory of Idaho; said delivery of said copy being made, as aforesaid, on the third day of April, A. D. 1875; that affiant knows that said How is the attorney of contestant, Thomas W. Bennett, from the fact that said How, on two several occasions, has appeared, in said contest, as the attorney of said Bennett, in the matter of taking depositions in said cause, and service aforesaid was made upon said attorney, because he is the only person who has appeared in this county aforesaid as attorney for said Bennett, and said Bennett is so far distant from said county that service could not be made upon him in the time required by law.

W. G. LANGFORD.

Subscribed and sworn to before me this 12th day of April, 1875.

JOHN G. BERRY,
Probate Judge.

TERRITORY OF IDAHO,
County of Nez Perces, ss :

In pursuance of the annexed notice, at my office, at the city of Lewistown, Nez Perces County, Idaho Territory, at the hour of 10 o'clock a. m., on this 12th day of April, A. D. 1875, personally appeared in the matter of taking evidence in the matter of contest of S. S. Fenn, contestant, and Thomas W. Bennett, contestee, for Delegate to the House of the Forty-fourth Congress of the United States, from the Territory of Idaho, W. G. Langford, attorney for the said contestant, and there being no appearance on the part of said contestee, and no witnesses being present, this matter is continued until 1 o'clock p. m. to-morrow.

JOHN G. BERRY,
Probate Judge of Nez Perces County, Idaho Territory.

APRIL 13, 1875.

In the matter of the contest, wherein S. S. Fenn is contestant and Thomas W. Bennett is contestee, for the Delegateship to the Forty-fourth Congress of the United States for Idaho Territory.

Met pursuant to adjournment. Present, W. G. Langford, attorney for the contestant, and no one appearing on the part of the contestee.

JASPER RAND was duly sworn, and deposed as follows :

Deposition of Jasper Rand.

Question 1. State your name, age, residence, and occupation.—Answer. My name is Jasper Rand; age, forty-six years; residence, Lewiston, Nez Perces County, Idaho Territory; and occupation or profession, attorney and counselor at law.

Q. 2. For the last year have you been acquainted with the officers acting in said county?—A. I have been so acquainted with them.

Q. 3. Have you transacted any business with notaries public for the last year of said county?—A. I have transacted considerable business with a notary public in and for Nez Perces County, in his official character, during the past year.

Q. 4. State the name of said notary public, and in what town he has kept his office.—A. The name of the notary public with which I have transacted official business during the past year is H. O. Adams, and he resides and keeps his office in the city of Lewiston, in said county, where he has been acting as notary public during the past year.

Q. 5. About how many inhabitants has the city of Lewiston, and in your occupation and business such that you would be likely to know of the notaries public acting as such in Nez Perces County?—A. I should think the population of Lewiston was about 350. I believe I am acquainted with all persons who are and have been acting in an official capacity for the last year in said county, the county seat of which is Lewiston, and particularly acquainted with all who have acted in the capacity of notary public during the past year, and have never known during said time, of any person acting as notary public except H. O. Adams.

JASPER RAND.

Subscribed and sworn to before me this 13th day of April, 1875.

JOHN G. BERRY,

Probate Judge of Nez Perces County, Idaho Territory.

The further taking of depositions herein is adjourned until to-morrow at 10 o'clock a. m.

APRIL 14, 1875.

In the matter of the contest, wherein S. S. Fenn is contestant and Thomas N. Bennett is contestee, for the Delegateship to the Forty-fourth Congress of the United States from the Territory of Idaho.

Met pursuant to adjournment. Present, W. G. Langford, attorney for the petitioner, and no one appearing on the part of the contestee. Whereupon W. P. HUNT was duly sworn, and testified as follows:

Deposition of W. P. Hunt.

Question 1. State your name, age, residence, and occupation during the past year.—Answer. My name is Warren P. Hunt; age, thirty-nine years; residence, Lewiston, Nez Perces County, Idaho Territory; and occupation, county auditor and recorder for said county.

Q. 2. Are you acquainted with H. O. Adams, of Lewiston, Nez Perces County, Idaho Territory? If yes, do you know of his acting for the last year in any official capacity; and if so, in what capacity?—A. I am acquainted with him, and have been for the last year, and know that he has acted as probate judge part of the time, and as a notary public all the time during the past year in said county.

Q. 3. Do you know of said Adams taking an official oath and making an official bond as notary public? State what you know about it.—A. I know that his official oath is filed in my office, and I know that he made a bond. I am one of the bondsmen. The bond was made some time in 1873.

Q. 4. When you say "my office," what office do you refer to?—A. The recorder's office of Nez Perces County.

W. P. HUNT.

Subscribed and sworn to before me this 14th day of April, 1875.

JOHN G. BERRY,

Probate Judge.

There being no further witnesses present, adjourned until to-morrow, at 10 o'clock a. m.

APRIL 15, 1874.

In the matter of the contest wherein S. S. Fenn is contestant and Thomas W. Bennett is contestee, for the Delegateship from Idaho Territory to the Forty-fourth Congress of the United States.

Met pursuant to adjournment. Present, W. G. Langford, attorney for the contestant, and no one appearing on the part of the contestee.

JOHN BREARLEY was duly sworn, and deposed as follows :

Deposition of John Brearley.

Question 1. State your name, age, residence, and occupation for the last year.—Answer. My name is John Brearley ; age, thirty-three ; residence, Lewiston, Nez Perces County, Idaho Territory, and occupation assayer and banker.

Q. 2. Do you know who has been acting as notary public in Nez Perces County, Idaho Territory, for the last year ? If so, state whom.—

A. I do know ; H. O. Adams as been acting as such for the last year.

Q. 3. Do you know anything of said Adams having executed an official bond as notary public ? and, if so, state what you know.—A. I believe it was in 1873 he came over to my place and wanted myself and W. P. Hunt to go on his bond as notary public, and we did so. I think he told us that he received the appointment before having made the bond. He also told us the bond had to go to Boise.

JOHN BREARLEY.

Subscribed and sworn to before me this 15th day of April, 1875.

JOHN G. BERRY,
Probate Judge.

Deposition of H. O. Adams.

Question 1. State your name, age, residence, and occupation.—Answer. My name is H. O. Adams ; age, forty-nine years ; residence, Lewiston, Nez Perces County, Idaho Territory, and occupation or profession, United States commissioner, notary public, and clerk of the probate court.

Q. 2. How long have you been acting notary public in said county ?—

A. I don't remember the date of my first commission, but after its expiration I was again commissioned on the 18th of March, A. D. 1873, which commission will expire four years from its date, and have been acting in capacity of notary public since that date.

Q. 3. State did you take any steps to qualify for notary ; and, if so, what ?—A. Immediately upon receipt of my appointment I proceeded to make a bond, and took the official oath, according to law ; after it was duly executed I placed it in an envelope properly sealed, duly stamped, and placed it in the post-office, Idaho Territory, directed to E. J. Curtis, acting governor of Idaho Territory, at Boise City, Idaho Territory.

Q. 4. Have you a copy of your commission ; and, if so, will you mark it "Exhibit A," and make it a part of this deposition ?—A. I have made a true copy of my commission as notary public, which I

hereby mark "Exhibit A," and attach it to this deposition, making it a part thereof.

Q. 5. Has any one objected to your qualification as notary public; if so, when and where was said objection first made?—A. There was never any objection made as to my qualification as notary public excepting one time, which was on the 18th day of February, A. D. 1875, by J. M. Howe, acting attorney in this matter for T. W. Bennett, while I was taking testimony as notary public in this case, at the city of Lewiston, Nez Perces County, Idaho Territory.

H. O. ADAMS.

Subscribed and sworn to before me this 15th day of April, 1875.

JOHN G. BERRY,
Probate Judge.

There being no witnesses present, and the time mentioned in the annexed notice for the taking of depositions in this matter being about to expire, the further taking of depositions herein is hereby adjourned *sine die*.

JOHN G. BERRY,
Probate Judge of Nez Perces County, Idaho Territory.

EXHIBIT A.

UNITED STATES OF AMERICA,
Territory of Idaho :

To all to whom these presents shall come, greeting :

Know ye, that I, E. J. Curtiss, acting governor of the Territory of Idaho, reposing special confidence in the ability, integrity, and discretion of H. O. Adams, esq., have appointed him, the said H. O. Adams, esq., to the office of notary public in Nez Perces County, in the Territory of Idaho, for the full period of four years from this date; and do hereby authorize and empower him to execute and fulfill the duties of that office according to law, and to have and to hold the same with all the powers, privileges, and emoluments thereunto of right appertaining unto him, the said H. O. Adams.

In testimony whereof I have hereunto set my hand and caused the seal of the Territory to be affixed.

Done at Boise City, this eighteenth day of March, in the year of our Lord one thousand eight hundred and seventy-three, and of the Independence of the United States of America the ninety-seventh.

[SEAL OF THE TERRITORY.]

By the governor :

E. J. CURTISS,

Secretary and Acting Governor, &c., Idaho Territory.

Certificate of probate judge.

TERRITORY OF IDAHO,
County of Nez Perces, ss :

I, John G. Berry, judge of the probate court of the Territory of Idaho for the county of Nez Perces, the same being a court of record, do hereby

certify that, in pursuance of the annexed notice, at my office in the city of Lewiston, in said county and Territory, at the hour of 10 o'clock a. m., on the 12th day of April, A. D. 1875, in the matter of contest for the seat in the Forty-fourth Congress of the United States as Delegate from the Territory of Idaho, in which Thomas W. Bennett is contestee and S. S. Fenn is contestant, and in the matter of taking depositions in said cause, appeared the said contestant before me, by his attorney, W. G. Langford, and there being no witness present, on motion of said counsel said cause was continued until the following day, (April 13,) at the hour of 1 o'clock p. m.; at which time, at the same place, appeared the the same party before me, and Jasper Rand also appearing as a witness, his deposition was duly taken, as above appears, when, on motion of said counsel, the cause was duly continued until the following day, (April 14, 1875,) at the hour of 10 o'clock a. m. of said day; at which time and place aforesaid, before me appeared the said counsel, and the deposition of Warren P. Hunt was duly taken, as above appears; whereupon, on motion of said counsel, the cause was continued until the following day, at the same place, to the hour of 10 o'clock a. m. of said day, (April 15, 1875,) at which time and place appeared before me the said counsel and the witnesses, John Brearley and H. O. Adams, whose depositions were duly then and there taken as above appears; all of said evidence having been taken between the hours of 10 o'clock a. m. and 5 o'clock p. m. of said days; when, on motion of said counsel, said taking of depositions was adjourned without day. That each of said witnesses was sworn before me, before giving his testimony above set forth, to testify the truth, the whole truth, and nothing but the truth in the above cause; after which, before me, at the above-mentioned times and place, upon questions then and there written, as above appears, each witness above named testified as appears in the above deposition of each, and the testimony of each of said witnesses was, before me and under my supervision and control, written down, as above appears, in the exact words of each witness at the time he gave his testimony; after which the deposition of each witness was carefully read over to him in my presence, and after being so read, and each witness having made what corrections he wished, duly subscribed the same before me. And I hereby certify that the paper above attached, marked "Exhibit A," is the identical paper that said H. O. Adams, the above-named witness, attached to his deposition and made a part thereof.

Witness my hand this 15th day of April, A. D. 1875.

JOHN G. BERRY,

Probate Judge of Nez Perces County, Idaho Territory.

Certificate of clerk.

TERRITORY OF IDAHO,

County of Nez Perces, ss:

I, H. O. Adams, clerk of the probate court of the Territory of Idaho, for the county of Nez Perces, do hereby certify that the signature of John G. Berry appearing to the above and annexed certificate is the genuine signature of the judge of the said court, at the time said signature was set to said instrument, and said John G. Berry still remains the judge of said court.

In witness whereof I have hereunto set my hand and affixed the seal of said court, this 15th day of April, 1875.

[SEAL.]

H. O. ADAMS,
Clerk of said Court.

PAPERS OF CONTESTANT.

Notice to take testimony at Salmon City.

TERRITORY OF IDAHO,
Boise City, February 23, 1875.

To S. S. FENN:

You are hereby notified that on Friday, the 2d day of April, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m. of said day, at Salmon City, in the county of Lemhi, in the Territory aforesaid, before the Hon. Sylvester McCain, judge of the probate court of said county of Lemhi, at his office, I will take the testimony of John Hogan and C. W. Manases, which testimony, when so taken, will be used in my behalf in the House of Representatives of the Forty-fourth Congress of the United States, in the matter of contest of election of Delegate to said Congress from the Territory of Idaho, wherein you are the contestant and I am the returned Delegate. And the taking of said testimony will, if necessary, be adjourned from day to day, between the hours aforesaid.

T. W. BENNETT.

I hereby acknowledge that a copy of this notice was served on me by delivery, this 23d day of February, 1875.

TERRITORY OF IDAHO,
Ada County, ss:

I, Edward L. Curtis, do solemnly swear that on this, the 23d day of February, A. D. 1875, I did deliver to S. S. Fenn a true and exact copy of the notice to which this is attached, and that he, the said S. S. Fenn, did then and there receive the said copy in person.

EDWARD L. CURTIS.

Subscribed and sworn to before me this 23d day of February, 1875.
[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Deposition taken at Salmon City.

TERRITORY OF IDAHO,
Lemhi County, ss:

Testimony taken at Salmon City, Lemhi County, Idaho Territory, on the 2d day of April, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m. of said day, before me, Sylvester McCain, judge of the probate court of said county of Lemhi, at his office in said Salmon City, on behalf of T. W. Bennett, to be used in the House of Representatives of the Forty-fourth Congress of the United States, in the matter of contest of election of Delegate to said Congress, from the Territory of Idaho, wherein S. S. Fenn is the contestant and the said T. W. Bennett is the returned Delegate, in pursuance of the notice hereto attached and made a part hereof. At the taking of said testimony, the said T. W. Bennett was not present by himself or attorney, and the said S. S. Fenn was present by his attorney, Jessa McKaleb.

Deposition of John Hogan.

JOHN HOGAN, a competent witness, being by me, the said probate judge, duly sworn to speak the truth, the whole truth, and nothing but the truth, upon his oath, deposeth and saith as follows, viz:

Direct examination:

Question 1. State your name, residence and official character.—Answer. My name is John Hogan; I reside in Salmon City, Lemhi County, Idaho Territory; I am auditor and recorder and clerk of the board of county commissioners in Lemhi County, Idaho Territory.

Q. 2. Was that your official character on the day that the canvass was made of the votes cast in Lemhi County, for Delegate in Congress, on the 3d day of November, 1874?—A. It was my official character at that time, and is now.

Q. 3. Did you forward to the secretary of the Territory of Idaho a certified copy of the result of the canvass of the vote of Lemhi County, in November, 1874?—A. Yes.

Q. 4. If in said certified copy of said canvass you stated that for Delegate to Congress F. W. Bennett received 134 votes, was that statement correct, or did you make a mistake in writing the name; and if you did make a mistake, what was that mistake, and how should the name have been written to express the facts of the canvass of votes as made by the board of commissioners for said election?—A. If in said certified copy of said canvass I stated that for Delegate to Congress F. W. Bennett received 134 votes, that statement was not correct; and if so written (the name) I did make a mistake in writing the name, and if I did write the name F. W. Bennett, it was a mistake, and should have been written T. W. Bennett, and the name should have been written to express the facts of the canvass of votes as made by the board of commissioners for said election, T. W. Bennett.

Q. 5. Did the canvass of the votes for Delegate in Congress as made by the commissioners on the 14th day of November, 1874, show that T. W. Bennett, and not F. W. Bennett, received at the election in Lemhi County, on the 3d day of November, 1874, for Delegate to Congress 134 votes?—A. The canvass did show that T. W. Bennett did receive 134 votes for Delegate to Congress, in Lemhi County, on the 3d day of November, A. D. 1874.

Q. 6. Look at the paper marked "Exhibit A," and state whether it was made by you; and, if so, whether it states the facts of the canvass made of said votes at said election by the board of commissioners of Lemhi County.—A. It was, and it is a true and correct copy of the votes canvassed by the board of county commissioners, except the name of S. S. Feen, which should have been spelled S. S. Fenn, for Delegate to Congress, in Lemhi County, Idaho Territory, on the 14th day of November, 1874.

JOHN HOGAN.

TERRITORY OF IDAHO,
Lemhi County, ss:

I, Sylvester McCain, judge of the probate court of the county of Lemhi, in the Territory of Idaho, do hereby certify that, in pursuance of the notice hereto attached, I did, on the 2d day of April, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m., at my office in Salmon City, county of Lemhi, and Territory of Idaho, take the testimony of John Hogan as a witness; he, the said witness, was by me first duly sworn to speak the truth, the whole truth, and nothing but the truth; the questions and answers thereto were all written by me;

after all the questions and answers were so written, they were carefully read over to the said witness by me, and were by him, in my presence, subscribed with his name. The paper hereto attached, and marked "Abstract A," is the identical paper referred to in the sixth question put to said witness on his direct examination, and referred to by him in his answer thereto, at the taking of said testimony. T. W. Bennett was not present, by himself or by his attorney, and S. S. Fenn was present by his attorney, Jessa McKaleb.

In witness whereof I have hereto subscribed my name, and affixed the seal of the probate court of Lemhi County.

Done at Salmon City, this 2d day of April, A. D. 1875.

[SEAL.]

S. McCAIN,

Judge of the Probate Court of Lemhi County.

ABSTRACT A.

SALMON CITY, LEMHI COUNTY, I. T.,

November 14, 1874.

I, John Hogan, auditor and recorder, and clerk of the board of county commissioners of Lemhi County, Idaho Territory, do hereby certify that at an election held in Lemhi County, Idaho Territory, on the 3d day of November, A. D. 1874, for territorial and county officers, and canvassed by the board of county commissioners, B. F. Price and Rudolph Mohr, present, for Delegate to Congress, S. S. Fenn received one hundred and two (102) votes; T. W. Bennett received one hundred and thirty-four (134) votes, at the precincts in Lemhi County, as follows:

Delegate to Congress.	Salmon City.	Fort Lemhi.	Junction Man- net.	North Fork.	Loban.	Big Creek.	Rio Grande.	Robinson Bar.	Steady.	Total.
T. W. Bennett	61	12	19	6	20	1	10	...	5	134
S. S. Fenn	57	1	6	...	21	6	1	7	...	108

[SEAL.]

JOHN HOGAN,

*Auditor and Recorder and Clerk of the
Board of County Commissioners.*

Deposition taken at Boise City.

Testimony to be used in the House of Representatives of the Forty-fourth Congress of the United States, in the matter of contest of election of Delegate to said Congress from the Territory of Idaho, wherein S. S. Fenn is contestant, and T. W. Bennett is the returned Delegate, taken on behalf of T. W. Bennett, in pursuance of and in all respects in conformity with the notice hereto attached, and marked "Exhibit A," and as fully certified to in the official certificate appended.

Deposition of E. J. Curtis.

E. J. CURTIS, a competent witness, being first duly sworn according to law, deposes and says as follows:

Direct examination:

Question 1. State your name, and what office you hold, if any, and

since when have you held such office continuously.—Answer. My name is E. J. Curtis. I am secretary of Idaho Territory, and have held such office since 1869.

Q. 2. As such officer, did you receive by mail prior to the 30th day of November, 1874, from the clerk of the board of county commissioners of all the several counties of Idaho Territory, what purported to be copies of abstracts of the returns of the votes cast in said counties, on the 3d day of November, 1874, for Delegate to Congress? And, if so, state how such documents were directed and indorsed.—A. I received, as secretary of Idaho Territory, prior to the 30th day of November, 1874, the official returns of the votes cast on the 3d day of November, 1874, from the clerk of the boards of the county commissioners of the several counties, marked "Election-returns," on the envelopes, and directed to me as secretary of Idaho Territory.

Q. 3. How was the return from the county of Lemhi indorsed and directed, and was such return officially signed by the clerk of the board of commissioners of that county, and was the seal of said board attached thereto?—A. It was directed to E. J. Curtis, secretary of Idaho Territory, indorsed on the envelope "Election-returns of Lemhi County," signed by the clerk of the board of county commissioners, and attested by the official seal of the clerk of the board.

Q. 4. Did you lay all such election-returns before the board of territorial canvassers on the 30th day of November, 1874?—A. I did.

Q. 5. State whether you acted as a member of the board of territorial canvassers, on the 30th day of November, 1874; and, if so, state whether the said board of canvassers made a written report of their findings to the governor of the Territory of Idaho.—A. I did not act, and the board made such written report.

Q. 6. Look at the paper marked "Exhibit B," and state whether the same is a true and exact copy of said report.—A. It is.

Q. 7. State upon what ground the said board of canvassers refused to count what purported to be the returns from the county of Nez Perces.—A. Upon the ground that the same was canvassed by H. O. Adams, probate judge, and J. B. Menomy, and not by the board of county commissioners of said county, as required by law.

Q. 8. State whether prior to the 30th day of November, 1874, you received any other document purporting to be election-returns of Delegate to Congress for the county of Nez Perces; if so, state from whom you received it, and when, and who made the canvass, made in such document.—A. I did receive prior to the 30th day of November, 1874, an abstract of the returns of the election of Delegate to Congress from said county, in addition to the one received by mail from S. S. Fenn, through Mr. Charles Hemrod, of this city; the canvass was made, in the copy I received from S. S. Fenn, by H. O. Adams and J. B. Menomy, and was an exact copy of the return received by mail.

Q. 9. Did you lay this document you received from S. S. Fenn before the board of territorial canvassers on the 30th day of November, 1874, and did you explain to the board how you had received it?—A. I did.

Q. 10. Did you ever have any conversation with S. S. Fenn, the contestant, in reference to the paper handed you by Mr. Hemrod, above referred to; if so, when was it, and what did he say in reference to it?—A. I did have a conversation with Mr. Fenn in reference to the paper, in the month of December, 1874, in which he asked me if I had received the returns he sent me through Mr. Hemrod; told him I had; he said he sent me that copy through Mr. Hemrod to make their receipt more certain.

Q. 11. When did the board of territorial canvassers adjourn, and to what time?—A. On the 30th November, *sine die*.

Q. 12. Are you acquainted with H. O. Adams, formerly probate judge of Nez Perces County? If so, state whether the said H. O. Adams filed in the office of secretary of the Territory of Idaho what purported to be his official bond as a notary public in and for said county.—A. I am acquainted with H. O. Adams, former probate judge of said county; he filed an official bond in my office as notary public on the 18th day of March, 1873.

Q. 13. Examine the paper marked "Exhibit C," and state whether it is a true and exact copy of said bond, including all the indorsements, exhibits, attestations, and writings of any kind thereon, and are there indorsed on said bond any approval, attestation, official oath, signature or impress of official seal, other than are shown on this copy?—A. It is a true copy; there are no writings or indorsements, signatures, approvals, attestations, or official oath on original bond, other than are shown on this copy.

Q. 14. Has said H. O. Adams ever filed, in the office of the secretary of Idaho Territory, since you have been secretary, any bond as notary public, other than the one of which the paper marked "Exhibit C" is a copy?—A. He has not.

Q. 15. Has said H. O. Adams ever filed, in the office of the secretary of Idaho Territory, any approval of his said bond as notary public, or any oath of office, any specimen of his signature, any impress of his official seal, as notary public?—A. He has not.

Q. 16. Has said H. O. Adams ever filed, in the office of the secretary of Idaho Territory, any bond as notary public, approved or attested by any probate judge or any other officer, or having indorsed thereon his oath of office or its attestation, or having stamped thereon any impress of his official seal, or attached thereto a specimen of his signature, as a notary public?—A. He has not.

E. J. CURTIS.

Deposition of John Clark.

JOHN CLARK, a competent witness, being first duly sworn according to law, deposes and says as follows:

Direct examination:

Question 1. State your name, place of residence, and how long you have resided at such place, and what office you hold, if any.—Answer. My name is John Clark; reside at Lewiston, Nez Perces County, Idaho Territory. I am one of the justices of the supreme court of said Territory. I have resided in Lewiston, Nez Perces County, for the period of ten years last past.

Q. 2. What office did you hold, if any, during the month of November, 1874?—A. I was district attorney for the first judicial district of Idaho Territory, composed of the counties of Nez Perces, Idaho, and Shoshone.

Q. 3. Are you acquainted with H. O. Adams, of Nez Perces County, and how long have you known him?—A. I am acquainted with H. O. Adams, of Nez Perces County, and have known him for twenty years last past.

Q. 4. What office, if any, did said H. O. Adams hold on the 6th day of March, 1873, and also during the month of November, 1874?—A. During the times mentioned he was probate judge of said Nez Perces County.

Q. 5. Was said H. O. Adams a county commissioner of the county of Nez Perces, Idaho Territory, at any time during the year 1874, or at any other time?—A. He never was a county commissioner of that county at any time.

Q. 6. Are you acquainted with W. P. Hunt, of Nez Perces County? If so, state whether, at any time during the year 1874, or at any other time, he was a county commissioner of Nez Perces County, Idaho Territory.—A. I am acquainted with W. P. Hunt, of Nez Perces County; have known him for eight or ten years. He was not a county commissioner of Nez Perces County during the year 1874 or at any other time.

Q. 7. State if you know who were the county commissioners of Nez Perces County, Idaho Territory, during the year 1874, and especially during the month of November of that year.—A. I do know who were the county commissioners of said county during the times mentioned. They were D. H. Howser, George Dempster, and J. B. Menomy.

Q. 8. Was there a meeting of the board of commissioners of said county on the 7th day of November, 1874, or at any other time during said month?—A. There was no meeting of the board of commissioners in that county on the 7th day of November, 1874, nor at any other time during the month of November, 1874, that I know of. I am sure there was no meeting of the board of commissioners of that county on the 7th day of November, 1874; was in Lewiston on that day, and during the whole month of November, 1874.

Q. 9. Were either D. H. Howser or George Dempster in Lewiston on the 7th day of November, 1874?—A. Neither of them were there on that day.

Q. 10. Is Lewiston the county-seat of Nez Perces County?—A. It is.

Q. 11. Are there any of the following named officers residing and having their offices in the county of Nez Perces, Territory of Idaho, to wit: Judge of a court of record, mayor of city, justices of the peace, or other officer having authority, under the laws of Idaho Territory, to take depositions? If so, give their names and official character.—A. There are, to wit: Hon. W. C. Whitson, one of the justices of the supreme court of Idaho Territory; Hazen Squier, clerk of the district court of the first judicial district of Idaho Territory; John G. Berry, probate judge of Nez Perces County; D. J. Warner, justice of the peace; H. W. Stanton, mayor of the city of Lewiston. all of which are residents and have offices in Lewiston, Nez Perces County. There are other justices of the peace in the county, but I don't know their names.

Q. 12. Did such officers so reside and possess such official character during the time between the 15th day of December, 1874, and the 24th day of February, 1875?—A. They did; except John G. Berry, who took his office on the first Monday of January, 1875, he succeeding the said H. O. Adams as probate judge of said county.

Q. 13. Were you acquainted with S. S. Fenn, the contestant? If so, state in what county he resided in November, 1874, and how long.—A. I am acquainted with S. S. Fenn. He resided in said Nez Perces County during the month of November, 1874, and prior thereto for about five years, to my knowledge.

JOHN CLARK.

Certificate of probate judge.

TERRITORY OF IDAHO,
County of Ada, ss:

I, W. W. Glidden, probate judge of the county of Ada, in the Ter-

ritory of Idaho, do hereby officially certify that, on Saturday, the 20th day of March, A. D. 1875, between the hours of 10 o'clock a. m. and 10 o'clock p. m., at my office in Boise City, in the county and Territory aforesaid, in pursuance of the notice marked "Exhibit A" and hereto attached, I did take the testimony of E. J. Curtis and John Clark, competent witnesses, on behalf of T. W. Bennett, the returned Delegate, in the matter of contest of election of Delegate to Congress from the Territory of Idaho, wherein S. S. Fenn is the contestant and T. W. Bennett is returned Delegate; that each of said witnesses testifying were by me first duly sworn, according to law, to speak the truth, the whole truth, and nothing but the truth; that their testimony so taken appears above herein, and each and every question and each and every answer of said testimony was by me reduced to writing in the presence of each and both of said witnesses; that I fully and carefully read to each of said witnesses his said testimony, and after such reading each of said witnesses subscribed his name thereto, as above; that several papers hereto annexed and marked, respectively, "Exhibits B" and "C" are the identical papers referred to in the testimony of witness E. J. Curtis, as appears above.

And I further certify that, at the taking of said testimony, the said T. W. Bennett was present in person and the said S. S. Fenn was not present.

In witness whereof I have hereunto set my hand and affixed the seal of the probate court of said county of Ada, at Boise City, this 20th day of March, A. D. 1875.

[SEAL.]

W. W. GLIDDEN,
Probate Judge of Ada County, Idaho Territory.

EXHIBIT A.

TERRITORY OF IDAHO,
Boise City, February 27, 1875.

To S. S. FENN:

You are hereby notified that, on Saturday, the 20th day of March, A. D. 1875, between the hours of 10 o'clock a. m. and 10 o'clock p. m. of said day, at Boise City, in the county of Ada, and Territory of Idaho, before Hon. W. W. Glidden, judge of the probate court of Ada County, in the Territory of Idaho, at his office in said Boise City, I will take the testimony of E. J. Curtis, Joseph Pinkham, and John Clark, as witnesses, which said testimony, when so taken, I will use in the House of Representatives of the Forty-fourth Congress of the United States in the matter of contest of election of Delegate to said Congress from the Territory of Idaho, wherein you are contestant and I am returned Delegate. The taking of said testimony will, if necessary, be adjourned from day to day, between the hours aforesaid until all is taken.

T. W. BENNETT.

TERRITORY OF IDAHO,
Ada County, ss:

I, Edward L. Curtis, a competent witness, upon oath do swear and say, that on this 27th day of February, A. D. 1875, I did deliver in person to S. S. Fenn a true and exact copy of the notice to which this

affidavit is attached, and that he, the said S. S. Fenn, did then and there, in person, receive the said copy.

EDWARD L. CURTIS.

Subscribed and sworn to before me this 27th day of February, 1875.
[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

EXHIBIT B.

TERRITORY OF IDAHO,
Boise City, November 30, 1874.

We, the undersigned, secretary of the Territory of Idaho and United States marshal for the district of Idaho, do hereby certify that on this 30th day of November, 1874, at the office of said secretary at Boise City, in the presence of the governor of said Territory, as provided by law, did open and canvass the returns of votes given in the several counties of said Territory, at the general election held on the 3d day of November, A. D. 1874, for Delegate to Congress, and for district attorneys, the said returns having all been received by said secretary at the seat of government of said Territory, and from said canvass we find the following result, viz: That for the Delegate to Congress, Thomas W. Bennett received votes as follows, viz: In the county of Ada, five hundred and forty-seven votes, (547;) in the county of Shoshone, nineteen votes, (19;) in the county of Alturas, two hundred votes, (200;) in the county of Owyhee, six hundred and eighty-six votes, (686;) in the county of Boise, three hundred and sixty-two votes, (362;) and in the county of Oneida, four hundred and sixty votes, (460.) And we further find that for Delegate to Congress, S. S. Fenn received votes as follows, viz: In the county of Ada, three hundred and sixty-three votes, (363;) in the county of Shoshone, forty-five votes, (45;) in the county of Alturas, eighty-two votes, (82;) in the county of Owyhee, four hundred and ninety-seven votes, (497;) in the county of Boise, five hundred and eighteen votes, (518;) and in the county of Oneida, one hundred and eighty-four votes, (184.) And we further find that for Delegate to Congress, Hon. S. S. Fenn received votes as follows, viz: In the county of Oneida, two hundred and forty-six votes, (246;) and we find that in the county of Nez Perces the votes were not canvassed by the board of county commissioners of said county, as required by law, and are therefore not counted by us. And we further find that in the county of Idaho the returns were not made to the secretary of the Territory for Delegate to Congress by an abstract of votes on a separate sheet as required by law, and are therefore not counted by us.

We further find that in the county of Lemhi, there were cast votes for Delegate to Congress as follows, viz: For F. W. Bennett, one hundred and thirty-four votes, (134,) and for S. S. Fenne, one hundred and two votes; (102;) and that the returns of said votes for Delegate are not made by abstracts nor upon separate sheets as required by law, and are therefore not counted by us; wherefore we find that Thomas W. Bennett received the highest number of votes cast at such election for Delegate to Congress.

And we further find that for the office of district attorney in the district No. 1, John Clark received votes as follows, viz: In the county of Shoshone, fifty-three votes, (53,) and that in the county of Nez Perces the votes for said office were not canvassed by the board of county commissioners of said county, according to law, and are therefore not

counted by us; and that in the county of Idaho the votes cast were for district attorney in the district No. 3, and were not returned to the secretary of the Territory of Idaho in an abstract on a separate sheet as required by law, and are therefore not counted by us; wherefore we find that John Clark received the highest number of votes cast in said district No. 1, for district attorney. We further find that for the office of district attorney for the second district, George Ainslie received votes as follows, viz: In the county of Boise, four hundred and sixty votes, (460,) in the county of Alturas, one hundred and thirty-two votes, (132,) and that for the same office, Jonas W. Brown received votes as follows, viz: In the county of Boise, four hundred and thirty-one votes, (431,) in the county of Alturas, one hundred and forty-four votes; (144;) and we find that in the county of Lemhi the returns of votes cast for district attorney was not in abstract and not sent to the secretary of the Territory on a separate sheet as required by law, and therefore not counted by us; wherefore we find that George Ainslie received the highest number of votes for the office of district attorney in the second district. And we further find that for the third district, F. E. Ensign received votes as follows, viz: In the county of Ada, six hundred and eleven votes, (611,) and John Gray seven votes, (7,) and C. Barbour fifteen votes, (15,) and Milton Kelly one vote; (1;) and we further find that F. E. Ensign, in the county of Owyhee, five hundred and eighty votes, (580,) in the county of Oneida, eight hundred and forty-two; (842;) wherefore we find that F. E. Ensign received the highest number of votes cast for district attorney for the third district.

In witness whereof we have hereto set our hands this the day and year first above written.

E. J. CURTIS,

Secretary of the Territory of Idaho.

JOSEPH PINKHAM,

United States Marshal for District Idaho Territory.

EXHIBIT C.

Know all men by these presents that we, H. O. Adams as principal, and Warren P. Hunt and John Brearley, of the county of Nez Perces, and Territory of Idaho, as sureties, are held and firmly bound unto the Territory of Idaho in the penal sum of one thousand dollars, lawful money of the United States, for which payment, well and truly to be made, we bind ourselves, our and each of our heirs, executors, and administrators, jointly and severally, by these presents, sealed with our seals, and dated this 6th day of March, A. D. 1873.

The condition of this obligation is such that whereas the above-bounden H. O. Adams is about to apply to the governor of the Territory of Idaho for the appointment of notary public for the county of Nez Perces, in said Territory:

Now, therefore, if the said H. O. Adams shall procure the appointment as aforesaid, and well and faithfully perform the duties of said office according to law, then the above obligation to be void; otherwise to remain in full force and virtue.

H. O. ADAMS. [SEAL]
WARREN P. HUNT. [SEAL]
JOHN BREARLEY. [SEAL]

Executed in the presence of—

JOHN G. BERRY.

H. SQUIER.

TERRITORY OF IDAHO,
County of Nez Perces, ss :

Warren P. Hunt and John Brearley, being severally duly sworn, each for himself deposes and says that he is a resident and householder within the county of Nez Perces aforesaid, and that he is worth the amount for which he has become surety in the above obligation, over and above all his just debts and liabilities, in unincumbered property situated within Idaho Territory, which may be levied upon and is not exempt from execution and forced sale.

WARREN P. HUNT,
 JOHN BREARLEY.

Subscribed and sworn to before me this 6th day of March 1873.

Witness my hand and the seal of the district court of the first judicial district, I. T.

[SEAL.]

H. SQUIER, *Clerk.*

TERRITORIAL SECRETARY'S OFFICE,
BOISE CITY, IDAHO TERRITORY,
March —, A. D. 1875.

I, E. J. Curtis, secretary of the Territory of Idaho, do hereby certify the foregoing to be a true, literal, and exact copy of the official bond of H. O. Adams, of the county of Nez Perces, in the Territory of Idaho, filed by him in my office as a notary public, in and for the said county of Nez Perces, and Territory of Idaho, together with all the signatures, attestations, justifications, approvals, and indorsements thereon.

In witness whereof I hereunto put my hand and affixed thereto the seal of the Territory of Idaho. Done this day of March, A. D. 1875.

[SEAL.]

E. J. CURTIS,
Secretary of Idaho Territory.

Notice to take testimony at Malad City.

TERRITORY OF IDAHO,
Boise City, February 25, 1875.

To S. S. FENN:

You are hereby notified that on Saturday, the 20th day of March, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m., at Malad City, in the county of Oneida, Territory of Idaho, before Hon. M. E. Hollister, chief-justice of the supreme court of said Territory, at his chambers, I will, in addition to the witnesses named in my original notice to you, take the testimony of J. W. Morgan, R. J. Caldwell, C. P. Jones, and J. W. Byington. Said testimony, when so taken, to be used in my behalf in the House of Representatives of the Forty-fourth Congress, in the matter of contest of election of Delegate to said Congress, from the Territory of Idaho, wherein you are the contestant, and I am the returned Delegate, said taking of testimony to be adjourned from day to day, between the hours aforesaid, if necessary.

T. W. BENNETT.

TERRITORY OF IDAHO, Idaho County, ss :

I, Edward L. Curtis, do solemnly swear that on this 25th day of Febru-

ary, A. D. 1875, I did deliver to S. S. Fenn in person an exact copy of the notice to which this affidavit is attached, and that he, the said S. S. Fenn, did then and there in person receive the same.

EDWARD S. CURTIS.

Subscribed and sworn to before me this February 25, 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court Idaho Territory.

Additional notice to take testimony, No. 1.

TERRITORY OF IDAHO,
Boise City, February 23, 1875.

To S. S. FENN :

You will take notice that on Saturday, the 20th day of March, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m. of said day, at Malad City, in the county of Oneida, in said Territory of Idaho, before the Hon. M. E. Hollister, chief justice of the supreme court of the Territory of Idaho, at his chambers, in said Malad City, I will take the testimony of B. F. White, E. J. Davis, Morgan Morgan, and divers other persons, whose names I will furnish you within the time prescribed by law, which said evidence when so taken I will use in the House of Representatives of the Forty-fourth Congress of the United States, in the matter of contest of election of Delegate to said Congress from the Territory of Idaho, wherein you are the contestant, and I am the returned Delegate, and the taking of said testimony will, if necessary, be adjourned from day to day, between the hours aforesaid, until all is taken.

T. W. BENNETT.

I hereby acknowledge that a copy of this notice was served upon me by delivery to me this 23d day of February, 1875.

TERRITORY OF IDAHO, *Ada County, ss :*

I, Edward S. Curtis, do solemnly swear that I did, on this the 23d day of February, A. D. 1875, deliver to S. S. Fenn in person a true and exact copy of the notice to which this affidavit is attached, and that he, the said S. S. Fenn, did then and there in person receive the said copy.

EDWARD S. CURTIS.

Subscribed and sworn to before me this 23d day of February, A. D. 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court Idaho Territory.

Additional notice, No. 2.

TERRITORY OF IDAHO,
Boise City, March 8, 1875.

To S. S. FENN :

SIR : You are hereby notified that, in addition to the witnesses whose names have been heretofore furnished you, I will also examine, as witnesses, J. W. Ireland, R. T. Bush, H. O. Harkness, H. W. O. Margery,

C. P. Jones, and J. W. Morgan, on the 20th day of March, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m., before Hon. M. E. Hollister, chief-justice of the supreme court of the Territory of Idaho, at his chambers in Malad City, in the county of Oneida and Territory of Idaho, as heretofore notified to you ; which testimony, when so taken, I will use in the House of Representatives of the Forty-fourth Congress of the United States, in the matter of contest of election of Delegate to said Congress from the Territory of Idaho, wherein you are contestant and I am returned Delegate.

Said taking of testimony, if necessary, will be continued from day to day, between the hours aforesaid, until all is taken.

T. W. BENNETT.

TERRITORY OF IDAHO,
Ada County, ss :

I, Edward S. Curtis, a competent witness, do, upon my oath, depose and swear that I did, on this 8th day of March, A. D. 1875, serve upon S. S. Fenn a true and exact copy of the notice to which this affidavit is attached, by then and there delivering to him, the said S. S. Fenn, in person, said copy, and that he, the said S. S. Fenn, did in person receive the same.

EDWARD S. CURTIS.

Subscribed and sworn to before me this 8th day of March, 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

Certificate of chief-justice.

I. M. E. Hollister, chief-justice of the supreme court of Idaho Territory, do hereby certify that, in pursuance of the annexed notices, S. S. Fenn, contestant, in person, and T. W. Bennett, returned member, by B. F. White, esq., his attorney, appeared before me, at my chambers in Malad City, Oneida County, Idaho Territory, on Monday, the 20th day of March, A. D. 1875, at the hour of 11 o'clock in the forenoon, and the said T. W. Bennett, returned member as aforesaid, produced as witnesses the following-named persons, who were by me sworn to testify to the truth, the whole truth, and nothing but the truth, and who were examined and cross-examined in that behalf, to wit : B. F. White, J. W. Morgan, E. J. Davis, and Morgan Morgan.

That I continued the hearing of said cause from day to day, adjourning over Sundays and non-judicial days, until the taking of testimony was completed ; that I reduced the testimony of said witnesses to writing, and, after reading the same to each one of them in the presence of the attorney of the said returned member, it was duly corrected and signed by each one of them, respectively.

I further certify that the exhibits marked, respectively, B, D, E, and F, are the ones referred to by the respective witnesses, and that the same were attached hereto and made a part of the testimony in the case ; Exhibit B being a certified copy of abstract of votes for Delegate to Congress ; Exhibit D being a certified copy of poll-book Clifton precinct ; Exhibit E being a certified copy of poll-book Montpelier precinct ; and Exhibit F being a certified copy of poll-book Paris precinct.

I further certify that the amount paid me for fees in said cause for taking the testimony and reducing the same to writing, including the swearing of witnesses and filing of papers, is just and true, and in accordance with the statutes of the United States and of the Territory of Idaho, said amount being as follows :

Filing 9 papers, 25 cents each	\$2 25
Swearing 4 witnesses, 25 cents each	1 00
Taking testimony, 75 folios, 30 cents	22 50

In witness whereof I have hereunto set my hand this 22d day of March, A. D. 1875.

M. E. HOLLISTER,
Chief-Justice Supreme Court Idaho Territory.

TERRITORY OF IDAHO,
County of Oneida, ss :

I, E. A. Hollister, clerk district court third judicial district, Oneida County, Idaho Territory, do hereby certify that M. E. Hollister, whose name is subscribed to the foregoing certificate, is now, and was at the time of signing the same, chief-justice of the supreme court of Idaho Territory, and that his signature attached thereto is genuine.

Witness my hand and the seal of said court at Malad City, I. T., this 22d day of March, A. D. 1875.

[SEAL.]

E. A. HOLLISTER, *Clerk.*

Deposition of B. F. White.

BENJAMIN F. WHITE, being duly sworn, testified as follows :

Interrogatory 1. State your name, age, and place of residence.—
Answer. B. F. White. Age, thirty-six years. Reside in Malad City, Idaho Territory.

Int. 2. How long have you resided in Oneida County?—A. Nine years.

Int. 3. What official position, if any, did you hold during the year 1874, and what position, official, do you hold at the present time?—A. County recorder and *ex-officio* clerk of the board of county commissioners.

Int. 4. Have you furnished certified copies of papers from your office in the case of S. S. Fenn, contestant, *vs.* T. W. Bennett, returned member; and, if so, what are their character?—A. I have. They are marked Exhibits B, D, E, and F. Exhibit B is a certified copy of abstract of votes for Delegate to Congress; Exhibit D is a certified copy of poll-book of Clifton precinct; Exhibit E is a certified copy of poll-book of Montpelier precinct; F is a certified copy of poll-book of Paris precinct.

Int. 5. At what date were the precincts of Ross Fork, Market Lake, and Pleasant Valley established?—A. They were established either in the year 1866 or 1867.

Int. 6. Has the order establishing these precincts by the board of county commissioners ever been repealed?—A. An order passed by the board in July, 1872, would seem to have repealed the order in question, but it was not so understood by the voters of these precincts, and was not so understood by me as the officer designated by law to furnish poll-books and notices of election.

Int. 7. Did you furnish and deliver to the sheriff of Oneida County, previous to the election of November 3, 1874, the poll-books required by law for the precincts of Ross Fork, Market Lake, and Pleasant Valley?—A. I did.

Int. 8. Have elections usually been held at these precincts at the general elections in Oneida County?—A. They always have.

Int. 9. Did the board of commissioners of Oneida County meet in October previous to election?—A. They did not.

Int. 11. At what dates, and how many times in each year, did the county commissioners meet for the purpose of transacting official business?—A. On the first Mondays in January, April, July, and October; four times in each year.

Int. 12. Why did not the commissioners meet in October previous to election?—A. One of the commissioners had removed from the county and another was detained at home by sickness; so I understood.

Int. 13. Are you acquainted in and about Paris, Oneida County?—A. I am.

Int. 14. Are the people there generally foreigners or Americans?—A. They are nearly all of foreign birth.

Int. 15. In what courts have they generally been admitted to citizenship?

(Objected to by said contestant on the ground of irrelevancy.)

A. In their local probate courts, almost invariably.

Int. 16. To the best of your information and belief, how many legal voters are there in Paris precinct?

(Objected to by said contestant on the ground that the opinion of the witness is not the best evidence, and on the ground of irrelevancy.)

A. I don't think it will exceed sixty.

Int. 17. Was the vote of Oneida County, as polled on the 4th day of November, 1874, for Delegate to Congress, an unusually large one?—A. It was the largest vote ever polled in the county.

Int. 18. Was there any particular cause for this large vote; and, if so, what was it?

(Objected to by said contestant on the ground of irrelevancy and not pertinent to the issue.)

A. It was the most exciting election ever witnessed in the county, and was caused by the fact that a so-called religious faction known as Mormons, thinking they had the power to control the county election, placed a ticket in the field composed entirely of leading members of their church organization, and proposed to place the county under the rule of their particular religious faction. This action of the Mormon church authorities created an intense feeling among all classes of citizens who were not Mormons, including both democrats and republicans, and a ticket was put up in opposition, composed of both political parties, and the canvass was made entirely upon the platform of Mormon and anti-Mormon. The Mormons espoused the cause and voted for Mr. Fenn, while all others voted solid for Mr. Bennett, including all the prominent and life-long democrats in the county. The precincts of Pleasant Valley, Market Lake, Eagle Rock, Blackfoot, and Ross Fork, are almost entirely inhabited by gentiles, while Paris, Montpelier, and Clifton are almost exclusively Mormons, which accounts for the nearly solid vote on either side. I know of many gentiles who traveled from thirty to fifty miles in order to vote, such was the excitement and feeling against this Mormon attempt to force a church ticket upon the people.

Cross-examination:

Cross-int. 1. Was there a general election held at Ross Fork, Pleasant

Valley, and Market Lake in 1872?—A. There was but one county ticket in 1872. In many of the precincts the polls were not opened, and I do not think they were in those precincts.

Cross-int. 2. Were there two tickets voted for that year in the field for Delegate to Congress?—A. There were; but very few votes were cast on one side. It was about all one-sided.

Cross-int. 3. How many votes were cast for J. W. Huston, the republican nominee, and how many for John Hailey, the democratic nominee?—A. I don't recollect anything about it.

Cross-int. 4. Were you auditor and recorder, and ex-officio clerk of the board of county commissioners of Oneida County, in the year 1872?—A. I was.

Cross-int. 5. Have you, in your office of auditor and recorder, an abstract of the canvass of votes polled at the election of 1872 in Oneida County?—A. I have not.

Cross-int. 6. Is not that a paper that should be kept in the files of the office? If yes, what has become of the paper?—A. I have never understood such to be the law.

Cross-int. 7. What was done with that abstract after it was made, and where is it at present?—A. I had a deputy, at that time, who performed all the duties of my office connected with the board of county commissioners, who assisted in canvassing the votes and making out the abstracts, and I do not recollect of ever seeing any abstracts at all of the election of 1872. I don't know what has become of it.

Cross-int. 8. You state, in your direct examination, that the vote polled in 1874 was much the largest of any ever polled in the county. How much larger was the vote polled at that election than the one in 1872?—A. About 250, I think.

Cross-int. 9. Was there any greater tract of territory embraced in Paris precinct in 1874 than there was in 1872? If so, what settlement or tract?—A. There was not any more.

Cross-int. 10. What was the vote of Paris precinct in 1872?—A. If I recollect right it was between one hundred and seventy-five and two hundred.

Cross-int. 11. Are the certified copies of the poll-books of Paris precinct, Montpelier precinct, and Clifton precinct, marked "Exhibits E, F, and D," full copies of the poll-books of each respective precinct?—A. I think they are. That is what they are intended for.

Cross-int. 12. Were there not sent to each of the precincts additional papers, upon which the returns were made and the proceedings of the election minuted?—A. Blank forms were sent for them to make returns on. Some used them and some did not.

Cross-int. 13. Were certified returns made from each of those precincts?—A. There were.

Cross-int. 14. Was there any person present at the election in Paris precinct in the interest of T. W. Bennett, candidate for Congress, at the election of November 3, 1874?—A. There was not that I am aware of.

Cross-int. 15. Look upon exhibit marked F and observe if the names of a large number of voters on said poll-list or poll-book are not inclosed in brackets. If yes, state why said names were so inclosed in brackets.

A. I presume they were challenged votes, but I do not know anything about it.

Cross-int. 16. You state in your direct examination that all voters of Oneida County except Mormons, including all the prominent and life-long democrats in the county, voted for T. W. Bennett. Do you now state that none but Mormons or members of the Mormon church cast

their vote in Oneida County for Mr. Fenn?—A. I am thoroughly acquainted in Oneida County, having lived here nine years, and my business has been such as to bring me constantly in contact with the masses of the people, and especially the gentile population, and I do not know of but one single person outside of the Mormon church who either supported or voted for Mr. Fenn; had there been others, I am satisfied I should have known of them. I do know that the leading democrats of the county supported and voted for Mr. Bennett.

Cross-int. 17. How far from your place of residence, by the usual traveled road, is Paris precinct?—A. About eighty miles.

Direct resumed:

Int. 1. Were polls opened and an election held at the precincts of Pleasant Valley, Market Lake, and Ross Fork, in the years 1870, 1868, and 1866?—A. There were in all of them.

Cross-examination resumed:

Cross-int. 1. How many votes were polled at each of those precincts respectively, or how many in the aggregate of the three districts?—A. I don't recollect, but there were a good many; it approached 200. It is very hard to recollect numbers.

B. F. WHITE.

Deposition of Joseph W. Morgan.

JOSEPH W. MORGAN, being duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—Answer. J. W. Morgan; aged thirty-seven years; reside in Malad City, Oneida County, Idaho Territory.

Int. 2. How long have you resided in Oneida County?—A. About eight years.

Int. 3. Where were you on the 3d day of November, 1874, the same being election-day?—A. Paris City, Bear Lake Valley, Oneida County, Idaho Territory.

Int. 4. What was your business there?—A. To watch the polls and keep out illegal votes, in the interest of the independent ticket.

Int. 5. What time did you arrive in Paris?—A. In the forenoon of the day before election.

Int. 6. State what, if anything, you saw there unusual with regard to the time and manner of opening the polls at Paris precinct.—A. I got out on the street early on election morning to ascertain the time of day. I saw no doors open. I went down to the co-operative store for the purpose of getting the time of day, as I had no time-piece. The store was not open, and as I could not get to know the time, I returned to where I boarded and lodged. I waited for breakfast, and kept a lookout for the polling-place to see when the polls would be opened. I was told not to be uneasy; that no illegal votes would be cast. After a time I sat down to breakfast and looked out through a window. I saw two or three teams with running-gears attached and men riding on the running-gears, rushing toward the polls, and some wagons leaving the polls. I also saw men running to the polls. The polling-place was from a quarter to half a mile from where I lodged. I rushed out of the house and ran all the way to the polls, anticipating what was being done. Just outside of the school-house, where the polls were being held, a prominent bishop of the Mormon church accosted me and wished to speak with me; be-

believing that he desired to give time to his friends to put in votes I told him that I would see him again. I rushed into the school-house and to the farthest end of the room, where the judges and clerks of election were. The clerks were very busy writing down the names of voters. I challenged the vote of the person who had placed it in the hands of the poll-list judge. I then desired to see the poll-list, and the clerk made objections to my seeing it, and took the poll-list from the desk and endeavored to stop me from seeing the names of the voters thereon. There was a dispute and an altercation between us. After a while I was permitted to see the list. While disputing I told them that I had no doubt but that their objections to my seeing the names on the list was because parties had put in illegal votes, and more to that effect, and that I would endeavor to keep out illegal voting during the remainder of the day. Notice was given half an hour before recess that a recess would be taken at 12 m. I made an appointment with a friend to be back from his dinner at 12½ o'clock, in order to watch the polls. At 1 o'clock, as near as I could ascertain the time, I was back at the polls. The polls were open and a few votes cast. I observed that there was but one clerk present, and I saw the other clerk coming in at door, and coming forward to his desk, taking his poll-list and looking at the poll-list in the hands of the other clerk, and going to copy the names of the voters since recess. I made objections. A dispute arose, and, among other things, I said that their hurry in opening the polls before the other clerk came there was to take advantage of my absence, and put in as many illegal votes as they could. We disputed about the time, and one of the clerks was the only man in the room who had a time-piece, I think, at that time, and I told him that he cooked his watch to suit his own purposes. Later in the day I found a man who said he had railway-time, and, by comparing the watch of this man with the clerk's watch, the clerk's watch was very nearly an hour before time.

Int. 7. Did the time of opening the polls seem to you to be unusually early?

(Objected to by said contestant on the ground that it is indefinite, and asking for impressions, not facts.)

A. I certainly thought so.

Int. 8. From the best information you could obtain, what time of the day was it when you arrived at the polls in the morning?—A. I could not get information of the time until evening. From that information, I should think, my impression was that I arrived a little before 8 o'clock.

Int. 9. Look now upon Exhibit F, and indicate the names of the persons named therein who had voted before you arrived at the polls.

(Exhibit F shown witness.)

A. All of the names from 1 to 59, inclusive.

Int. 10. Do you know of any illegal votes cast outside of those cast before the proper time of opening the poll?

(Objection by said contestant on the ground that the question presupposes the votes illegal that were cast before the time of witness's arrival at the polling-place, when his own evidence shows that he had no definite knowledge of the time of day.)

A. I don't know of any.

Int. 11. Do you know of any persons voting twice there on the same day?—A. I don't know of any.

Int. 12. Was there, to your knowledge, from appearance, any intimidation toward the voters of that precinct on that day and at that place, compelling persons to vote for or against any particular person?

(Objected to by said contestant on the ground that no objection is

raised by the answers of contestee to the notice of contest made by contestant that intimidation was used at any place on that election, and entirely irrelevant to the issue.)

A. From the fact that the Mormon people voted *en masse* one ticket, it was evidence to me of the usual intimidation of the holy priesthood to cut off from the church all those of the Mormons who would vote the independent ticket, contrary to the church's injunction.

Int. 13. Are you acquainted with one David Wright?—A. I am.

Int. 14. Was Mr. Wright present at the polls in Paris precinct on that day?—A. Yes.

Int. 15. What reason, if any, did he give you for not voting for Mr. Bennett?

(Objected to by said contestant on the ground of irrelevancy.)

A. He said that in consequence of disobeying counsel he had been broken up in business by the Mormons, and cut off from the church for time and all eternity, I suppose. He had moved over to Bear Lake Valley, and was then dependent upon the Mormons for a livelihood, and that were he to vote against the Mormons he would not succeed in business that he then had in view, and that the Mormons would find out how he had voted, as there would probably be no other vote cast for the independent ticket except yours, (meaning witness.)

Int. 16. Is not that the general feeling that prevails among the Mormon population in Oneida County, or a large proportion of them?

(Objected to by said contestant on the ground of irrelevancy.)

A. It is.

Int. 17. Do you know in what portion of the Territory Mr. Fenn resides?—A. I do not to my own knowledge.

Int. 18. In what county is he reputed to reside?—A. In Idaho County.

Int. 19. About how far is Idaho County from Malad City?—A. I don't know. It is at least over 400 miles.

Int. 20. What are the means of communication between the two points?

(Objected to by said contestant on the ground of irrelevancy.)

A. Stage-coach, I believe, and railroad.

Cross-examination:

Cross-int. 1. How high was the sun at the time you went down to the store in Paris, on election-morning?—A. I believe the sun was not seen in Paris on that day; at all events I never saw it.

Cross-int. 2. How long after it was fairly daylight that you went to the co-operative store?—A. I could only make a guess; I don't know.

Cross-int. 3. In your conversation with Mr. Wright, was there anything said with regard to the candidates for Delegate to Congress, or was your conversation with regard to voting the county tickets?—A. To the best of my recollection the conversation was with regard to voting the independent ticket.

Cross-int. 4. Look upon the paper marked "Exhibit F," and state whether you challenged the respective voters appearing in brackets as challenged on the poll-list, and whether they swore in their votes on that day.—A. I did, with three exceptions. All of those whose names appear in brackets, as challenged, did not swear in their votes. They were all challenged, but the challenge in some was withdrawn before the ballot was deposited in the box, but the clerks made the brackets before I withdrew the challenges. A few challenges were withdrawn.

Direct resumed:

Int. 1. Were or were not the voters at Paris precinct exclusively Mor-

mons?—A. To the best of my information and belief, they were with but three exceptions.

Int. 2. Would not a Mormon who was in good standing in the Mormon church swear to a lie as quick as he would to the truth, provided he was so directed to do by the priesthood authorities?

(Objected to by said contestant on the ground of irrelevancy.)

A. In order to answer this question I will quote from their own authorities: "A revelation given to Joseph Smith, Nauvoo, July the 12, 1843," a portion of which reads as follows: "And I verily say unto you, that the conditions of this law are these: All covenants, contracts, bonds, obligations, oaths, vows, performances, connections, associations, or expectations that are not made and entered into, and sealed by the Holy Spirit of promise, of him who is anointed, both as well for time and for all eternity, and that, too, most holy, by revelation and commandment through the medium of mine anointed, whom I have appointed on the earth to hold this power, (and I have appointed unto my servant Joseph to hold this power in the last days, and there is never but one on the earth at a time on whom this power, and the keys of this priesthood are conferred,) are of no efficacy, virtue, or force, in and after the resurrection from the dead; for all contracts that are not made with this end have an end when men are dead." Also: "And verily, verily, I say unto you, that whatsoever you seal on earth shall be sealed in heaven; and whatsoever you bind on earth in my name, and by my word saith the Lord, it shall be eternally bound in the heavens; and whosoever sins you remit on earth shall be remitted eternally in the heavens; and whosoever sins you retain on earth shall be retained in heaven." When the kingdom of God, prophesied of by Daniel, and seen in vision by Nebuchadnezzar, and now being established on the earth, in these the last days, is in danger, and when a matter of vital interest to the kingdom, or the holy priesthood, is pending, it would be useless to place any reliance on the testimony of some Mormons in such a case, in my opinion.

J. W. MORGAN.

Deposition of Emery J. Davis.

EMERY J. DAVIS, being duly sworn, testified as follows:

Interrogatory 1. State your name, age, and place of residence.—

Answer. E. J. Davis; aged forty-eight years; reside in Malad City, Oneida County, Idaho Territory.

Int. 2. How long have you resided in Oneida County?—A. Nine years.

Int. 3. What official position, if any, did you hold during the year 1874?—A. Assessor.

Int. 4. Were you not also deputy sheriff?—A. Yes.

Int. 5. As such deputy sheriff did you or did you not, previous to the election of November 3, 1874, receive from the county clerk and deliver to the precincts of Ross Fork, Blackfoot, Eagle Rock, Market Lake, and Pleasant Valley the poll-books required by law to be delivered at election precincts?—A. Yes.

Int. 6. Were there notices of election posted at these precincts?—A. I know there were at two or three. I am satisfied there were more.

Int. 7. What is the distance from Malad City to Ross Fork precinct?—A. I call it about seventy-five miles. Some call it eighty miles.

Int. 8. What is the distance from Malad City to Blackfoot precinct?—A. From ninety to ninety-five miles.

Int. 9. What is the distance from Malad City to Eagle Rock precinct?—A. From one hundred and twenty five to one hundred and thirty miles.

Int. 10. What is the distance from Malad City to Market Lake precinct?—A. About one hundred and fifty miles.

Int. 11. What is the distance from Malad City to Pleasant Valley precinct?—A. About two hundred and ten miles.

Int. 11. What is the distance from Boise City to Malad City, and how long does it take to go from one place to the other by public conveyance?—A. It is from three hundred and fifty to four hundred miles. It usually takes about five days.

Int. 13. In what portion of the Territory does Mr. Fenn reside?—A. He used to reside in Nez Perces County.

Int. 14. How far is that from Oneida County?—A. Eight hundred or nine hundred miles.

Int. 15. In performing your duties as assessor of Oneida County during the year 1874 did you assess and collect taxes from any Indians in Oneida County; if so, how many?—A. Yes; I collected taxes from twenty-one or twenty-two Indians. Nineteen of them paid property-tax.

Int. 16. Are you acquainted in the precincts of Paris, Montpelier, and Clifton?—A. I am pretty well acquainted there.

Int. 17. What proportion of the voting-population of those precincts are of foreign birth?—A. I think it would be a safe estimate to put it at two-thirds; more than that, if anything.

Int. 18. In what courts have they generally been admitted to citizenship?—A. Probate courts.

Cross-examination :

Cross-int. 1. Which particular precincts named in your direct examination, to wit, Ross Fork, Eagle Rock, Market Lake, Blackfoot, and Pleasant Valley, do you know that election-notices were put up in?—A. Ross Fork, Eagle Rock, and Market Lake.

Cross-int. 2. Where do the Indians reside who paid taxes in 1874?—A. It is a hard question to answer. At the time they paid me they were in Franklin, Oneida County. They have no particular home, to my knowledge.

Cross-int. 3. To what tribe do they belong?—A. Some of them are Snake Indians. One of them is a Ute. Some of them are Shoshones.

Cross-int. 4. Had those Indians any regular settlement or domicile in the county outside of their reservation?—A. I don't believe they have.

Direct resumed :

Int. 1. Do those Indians whom you taxed belong to or are they attached to any reservation?—A. I think they do and are.

E. J. DAVIS.

Examination adjourned to Monday, March 22, A. D. 1875, at 10 o'clock a. m.

MONDAY, March 22, A. D. 1875.

Deposition of Morgan Morgan.

MORGAN MORGAN, being duly sworn, testified as follows :

Interrogatory 1. State your name, age, and, place of residence.—Answer. Morgan Morgan; age, 35 years; reside near Malad City, Oneida County, Idaho Territory.

Int. 2. How long have you resided in Oneida County?—A. Eight or nine years.

Int. 3. What official position, if any, did you hold during the year 1874?—A. Sheriff of Oneida County.

Int. 4. How long have you held the office of sheriff of Oneida County?—A. Seven or eight years.

Int. 5. In the performance of your official duties as sheriff, did you or did you not frequently have occasion to visit the precincts of Clifton, Montpelier, and Paris?—A. Yes, sir.

Int. 6. Look now upon Exhibit D, and indicate the names of the persons named therein whom you know to have been residents of Idaho Territory and Oneida County, thirty days previous to November 3, 1874? (Exhibit D shown witness.)

A. C. P. Jones, James Boyle, J. W. Keeney, John Sant, jr., H. N. Howell, W. J. Pratt, John Maughn, George Lake, John Boyce, William Sant, M. O. Boise, William Dees, John Dees, Richard Campbell, D. L. Hoops, Nathan Dees, J. W. Finney, W. C. Robbins, D. R. Burnett, Warren Hoops, E. C. Schvanavelt, Lyman Hawkins.

Int. 7. How far is Clifton from Malad City?—A. Twenty miles by summer-travel; forty miles by winter-travel.

Int. 8. Look now upon Exhibit E and indicate the names of the persons therein mentioned whom you know to have resided in Idaho Territory four months and in Oneida County thirty days previous to November 3, 1874.

(Exhibit E shown witness.)

A. John Bagley, O. C. Rich, jr., J. M. Davis, C. P. Bingham, J. M. Phelps, H. S. Phelps, Augustus Bingham, Calvin Bingham, John Cozens, Grant Campbell, J. W. Moore, Edward Burgoyne, Jacob Jones, William Stalker, E. W. Hanson, David Osborne.

Int. 9. How far is Montpelier precinct from Malad City?—A. About one hundred miles.

Int. 10. Look now upon Exhibit F, and indicate the names of the persons therein mentioned whom you know to have resided in the Territory of Idaho four months and in the county of Oneida thirty days previous to November 3, 1874.

(Exhibit F shown witness.)

A. Charles C. Rich, sr., William Badge, H. Duffin, S. Kelsey, F. Wilcox, Walter Hoge, J. C. Rich, J. W. Morgan, Elijah Pomeroy, Alfred Welker, Miner Wilcox, Henry J. Horne, Adam Welker, John E. Welker, E. N. Austin, James W. Welker, Nathan Davis, Jacob Welker, Adam welker, Evan S. Morgan.

Int. 11. How far is Paris precinct from Malad City?—A. About one hundred miles.

Int. 12. About what is the area of Oneida County, to the best of your information?—A. About two hundred miles in length north and south, and about one hundred and fifty miles in width east and west.

Cross-examination:

Cross-int. 1. How many times, if any, have you visited Paris precinct for the six months ending the year 1874?—A. Not any.

Direct resumed:

Int. 1. Were you not a few days before election in Bear Lake Valley on official business?—A. I was.

Int. 2. Does not Bear Lake Valley constitute the two precincts of Paris and Montpelier?—A. They do.

MORGAN MORGAN.

EXHIBIT B.

Abstract of votes cast for Delegate to Congress at the general election held in Oneida County, Idaho, November 3, 1874.

Name of precinct.	Thos. W. Bennett.	S. S. Fenn.	Hon. S. S. Fenn.
Market Lake.....	33	13	.....
Ross Fork.....	127	.....	.....
Pleasant Valley.....	65	.....	.....
Montpelier.....	2	54	.....
Blackfoot.....	24	.....	.....
Deep Creek.....	53	22	.....
B. Kiver.....	18	7	.....
E. Rock.....	82	.....	.....
Paris.....	1	Hon. S. S. Fenn ..	167
Cariboo.....	7	.....	.....
Clifton.....	8	Hon. S. S. Fenn ..	79
Soda Springs.....	8	9	.....
Franklin.....	32	76	.....
	460	184	246

Certified by us.

THOMAS DANIELS, .
GEO. LAKE,
B. F. WHITE,
Board of Canvassers.

TERRITORY OF IDAHO,
County of Oneida, ss :

I, B. F. White, county recorder and clerk of the board of county commissioners in and for said county and Territory, do hereby certify that the above and foregoing is a true, full, and correct copy of the original abstract of votes cast for Delegate to Congress at the election of November 3, A. D. 1874, in Oneida County, as the same appears on file in my office.

Witness my hand and official seal at Malad City, Idaho Territory, this 16th day of March, A. D. 1875.

[SEAL.]

B. F. WHITE,
*County Recorder and ex-officio Clerk Board of
County Commissioners Oneida County, Idaho Territory.*

EXHIBIT D.

Poll-book Clifton precinct, Oneida County, Idaho.

- 1 C. P. Jones
2 Henry Fisher
3 Harvey Dixon
4 Ransom Van Luven
5 Orson Henderson
- 6 Wm. Billingsby
7 James Boyle
8 J. W. Keeney
9 Jno. Sant, jr.
10 Geo. Sant

- | | |
|-----------------------|----------------------|
| 11 William Masler | 51 Chas. Williams |
| 12 O. N. Harmon | 52 A. Cooper, voted |
| 13 Jno. Sperry | 53 T. G. Wornack |
| 14 H. N. Howell | 54 A. W. Thompson |
| 15 Wm. Howell | 55 B. M. Tunley |
| 16 W. J. Pratt | 56 Nathan Packer |
| 17 Stephen Callan | 57 D. L. Hoops |
| 18 W. C. Davis | 58 Newton Dees |
| 19 Richard Wickam | 59 A. H. Scott |
| 20 Lucius A. Snow | 60 J. W. Terney |
| 21 Jason Howell | 61 Erasmus Nelson |
| 22 P. F. Bingham | 62 Christian Olson |
| 23 M. P. Tifield | 63 W. C. Robbins |
| 24 H. M. Harmon | 64 Royal Clemens |
| 25 Alpheus Harmon | 65 Noah Lindsey |
| 26 T. C. D. Howell | 66 Jas. C. Neilson |
| 27 Albert Clements | 67 L. P. Cardon |
| 28 Jno. Maughan | 68 D. R. Burnett |
| 29 Hans Kneftd | 69 Richard Mills |
| 30 R. W. Barzee | 70 Warren Hoops |
| 31 Jeres Meckelsen | 71 E. C. Schvanevelt |
| 32 Lars Peterson | 72 Wm. Thornton |
| 33 James Lemon | 73 Nils Georgeson |
| 34 Geo. Lake | 74 W. H. Homer |
| 35 P. Nickelson | 75 Jesse Walker |
| 36 T. Gilbert | 76 Wm. Austin, |
| 37 H. Sassman | 77 James Koefed |
| 38 Jno. Boice | 78 Jos. Griffith |
| 39 C. M. Christiansen | 79 Nathan Smith |
| 40 Wm. Sant | 80 Lyman Hawkins |
| 41 M. C. Boice | 81 S. S. Wilson |
| 42 A. P. Jespersen | 82 Jno. Saut, sr. |
| 43 G. D. Black | 83 A. P. Welchman |
| 44 Wm. Dees | 84 W. A. Finney |
| 45 Jno. Dees | 85 M. Sanders |
| 46 C. A. Norton | 86 David Burnett |
| 47 T. J. Cooper | 87 Carl Neilson |
| 48 James McGavin | 88 James Moore |
| 49 Wm. G. Nelson | 89 Edwin Hooker |
| 50 Richard Campbell | 90 Martin Henderson |

TERRITORY OF IDAHO,

County of Oneida, ss :

I, B. F. White, county recorder and ex-officio clerk board commissioners in and for said county and Territory, do hereby certify the above and foregoing is a true, full, and correct copy of the roll list of Clifton precinct showing the names of voters at an

EXHIBIT E.

Poll-book Montpelier precinct, Oneida County, Idaho.

1 Nicholas Barkdale	30 D. D. Young
2 C. E. Rolison	31 Jno. Cozzens
3 C. C. Dana	32 D. A. Jackman
4 Jno. Bagley	33 J. S. Merrill
5 F. M. Winters	34 D. J. Merrill
6 C. C. Rich, jr.	35 Grant Campbell
7 J. M. Davis	36 B. Nelson
8 Joe Huff	37 M. L. Rasmussen
9 Thos. J. Stephens	38 Chas. Collett
10 C. P. Bingham	39 H. A. Lewis
11 Morris C. Holmes	40 J. W. Moore
12 Isaac Odekirk	41 Reuben Collett
13 James Holmes	42 Morris Phelps
14 Nephi Hayes	43 E. Weaver
15 J. M. Phelps	44 T. C. Seirine
16 James Young	45 Charles Warner
17 C. H. Mallory	46 S. S. Sadorus
18 P. P. Seirne	47 Oscar Dalrymple
19 Lewis Robinson	48 G. W. Horrace
20 G. Brown	49 W. H. Perry
21 H. S. Phelps	50 Ed. Burgoyne
22 G. C. Dana	51 Alma Davis
23 C. Hogason	52 D. C. Stewart
24 Aug. Bingham	53 Jacob Jones
25 Calvin Bingham	54 Wm. Stalker
26 (C. A. Raymond)	55 (E. W. Hansen)
27 Jno. R. Jameson	56 David Osborne
28 A. Bingham	57 Jno. H. Campbell
29 C. B. Scott	

TERRITORY OF IDAHO,
County of Oneida, ss :

I, B. F. White, county recorder and ex-officio clerk board county commissioners of Oneida County, do hereby certify that the above and foregoing is a true, full, and correct copy of the original poll-list of Montpelier precinct, showing the names of the voters at said precinct at the election of November 3, 1874, as the same appears on file in my office.

Witness my hand and official seal, at Malad City, I. T., this 16th day of March, A. D. 1875.

[SEAL.]

B. F. WHITE,
County Recorder and ex-officio Clerk Board County
Commissioners Oneida County, I. T.

EXHIBIT F.

Poll-book Paris precinct, Oneida County, Idaho.

1 Herbert Horseley	7 P. A. Merrill
2 Jno. Hunphries	8 H. H. Merrill
3 Robt. Price	9 O. Pendray
4 Geo. Passey	10 C. W. Wallentyne
5 Saml. Hunphries	11 Henry B. Rich
6 Andrew Nielson	12 James Hebdon

- | | |
|-------------------------|------------------------|
| 13 David Hess | 69 (Elijah Pomeroy) |
| 14 Henry Smith | 70 (Alexander Stevens) |
| 15 Thos. S. Johnson | 71 (Alfred Welker) |
| 16 Stephen Gheen | 72 (Thomas S. Merrill) |
| 17 Jas. Fuller | 73 (Miner Wilcox) |
| 18 Wm. E. Gerbridge | 74 (Thos. J. Swedley) |
| 19 Isaac H. Johnson | 75 (Thos. Clayton) |
| 20 Danl. W. Perkins | 76 (Harley Nowry) |
| 21 Seth A. Merrill | 77 (Nils Peterson) |
| 22 Jas. Albert | 78 (S. B. Hunt) |
| 23 Jno. Perkins | 79 (Leonard Floyd) |
| 24 Jno. Bungan | 80 Wm. C. Garrison |
| 25 P. M. Daley | 81 (Wm. West) |
| 26 Alfred Denn | 82 Jno. Stevart |
| 27 J. D. Merrill | 83 (Mosiah Booth) |
| 28 Jos. Allison | 84 (Thos. B. Nelson) |
| 29 Jno. Hinks | 85 (Warren Campbell) |
| 30 Thos. Ashcroft | 86 (B. S. Hunt) |
| 31 John Riter | 87 (Erastus Peterson) |
| 32 Robt. Allen | 88 Henry J. Horne |
| 33 Walter Fuller | 89 Jno. T. Rich |
| 34 W. Corbridge | 90 W. W. Young |
| 35 Thos. Horseley | 91 Geo. Pugwire |
| 36 Harley Mowrey | 92 A. M. Hunt |
| 37 Anders Beck | 93 Wm. L. Rich |
| 38 Andrew Jacobsen | 94 (Geo. W. Seirine) |
| 39 Jorgan Hansen | 95 (Adam Welker) |
| 40 Chas. C. Rich, sr. | 96 Jno. E. Welker |
| 41 Fredrick Jacobsen | 97 Lorenzo Young |
| 42 Hans Peter Rasmussen | 98 Solomon Wixom |
| 43 F. D. Rich | 99 Geo. E. Seirine |
| 44 Brigham Skinner | 100 (N. Nilhelmson) |
| 45 William Budge | 101 Jno. A. Hunt |
| 46 Jno. A. Sutton | 102 Wm. Hulme |
| 47 Wm. B. Lindsey | 103 (Jas. C. Thomas) |
| 48 Saml. Alder | 104 (A. B. Strickland) |
| 49 H. Sagers | 105 (John Walmsley) |
| 50 Thos. Slight | 106 (Jno. Ward) |
| 51 H. Duffin | 107 (Phineas Daley) |
| 52 S. Kelsey | 108 (Lastbrook Laker) |
| 53 Jas. Poulson | 109 Isaac Hill |
| 54 Geo. Lindsey | 110 Saml. Paue |
| 55 Chas. Brewer | 111 Jno. Thornick, sr. |
| 56 A. C. Lendford | 112 (Thos. Passey) |
| 57 Hans Hanson | 113 John Thornick, jr. |
| 58 Nils Hanson | 114 M. Thornick |
| 59 P. C. Merrill | 115 Chas. Pierce |
| 60 (F. Wilcox) | 116 P. H. Cook |
| 61 (Wm. Broomhead) | 117 (Jos. Neibaw) |
| 62 (Chester Southworth) | 118 (Wm. Heap) |
| 63 (Wm. Bird) | 119 B. H. Allred |
| 64 (Walter Hoyer) | 120 Jos. Hardy |
| 65 (Henry Margetts) | 121 Alfred Johnson |
| 66 J. C. Rich | 122 W. C. Patton |
| 67 (J. W. Morgan) | 123 J. C. Chidester |
| 68 (Edwin D. Merrill) | 124 Wm. M. Allred |

125 (Ole Hanson)
 126 Warren Allred
 127 (Jno. Bennett)
 128 (Jas. McMurray)
 129 E. N. Austin
 130 Robt. Pope
 131 (Saml. Matthews)
 132 Geo. W. Ralph
 133 Jas. W. Welker
 134 (Geo. Osmond)
 135 Jno. S. Ralph
 136 (Chas. G. Keetch
 137 (Ed. N. Patterson)
 138 Isaac I. Palmer
 139 Journal Palmer
 140 Henry Handcock
 141 Hugh Findley
 142 (Saml. Hall)
 143 C. Derricott
 144 (Nathan Davis)
 145 Harry H. Dalrymple
 146 Leonard Dalrymple

147 Orson Dalrymple
 148 E. Crossly
 149 Lucius Hale
 150 Jacob Welker
 151 Adam Welker
 152 Vincent M. Pugmire
 153 (Evan S. Morgan)
 154 (Isaac Dunford)
 155 (Moroni Dunford)
 156 Geo. Penman
 157 Stephen Kelsy, jr.
 158 Jos. Lewis, jr.
 159 H. S. Rich
 160 F. M. Pomeroy
 161 (Jno. Welker)
 162 Jos. Thornick
 163 (Jno. Martin)
 164 David Bennett
 165 Perry Townsend
 166 Jno. Pomeroy
 167 (Alfred Oakey)
 168 (C. H. Brown)

TERRITORY OF IDAHO,
County of Oneida, ss :

I, B. F. White, county recorder and ex-officio clerk board county commissioners in and for said county and Territory, do hereby certify that the above and foregoing is a true, full, and correct copy of the original poll-list of Paris precinct, showing the names of voters at said precinct at the election of November 3, 1874, as the same appears on file in my office.

Witness my hand and official seal at Malad City, Idaho Territory, this 16th day of March, A. D. 1875.

[SEAL.]

B. F. WHITE,
*County Recorder and ex-officio Clerk Board County
 Commissioners Oneida County, Idaho.*

TERRITORY OF IDAHO,
County of Owyhee, ss :

To any constable of said county :

You are hereby commanded to summon George Drew to be and appear before me, a notary public in and for said county, at my office in Silver City, on Monday, the 22d day of March, A. D. 1875, at the hour of 10 o'clock a. m., to testify in the matter of contest of election of Delegate to Congress from Idaho Territory, wherein S. S. Fenn is contestant and T. W. Bennett is the returned Delegate, in behalf of T. W. Bennett. And of this make due return.

Witness my hand and official seal this 22d day of March, 1875.

[SEAL.]

CHAS. M. HAYS,
Notary Public.

TERRITORY OF IDAHO,
County of Owyhee, ss :

I, Geo. Drew, the witness to whom the within subpoena is directed,

hereby accept service of the same and promise to appear as a witness as therein commanded.

Dated March 22, 1875, Silver City, I. T.

GEO. DREW.

Testimony taken at Silver City.

TERRITORY OF IDAHO, OWYHEE COUNTY,
March 22, 1875.

Testimony taken at Silver City, in the county of Owyhee and Territory of Idaho, on the 22d day of March, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m., before Charles M. Hays, a notary public within and for said county, in pursuance of the notice hereto attached and marked Exhibit A, and in all respects in conformity with the official certificate hereto appended; said testimony to be used on behalf of T. W. Bennett in the House of Representatives of the Forty-fourth Congress of the United States in the matter of contest of election of Delegate to said Congress from the Territory of Idaho wherein S. S. Fenn is contestant and said T. W. Bennett is the returned Delegate.

Deposition of George Drew.

GEORGE DREW, a competent witness, being by the said notary public first duly sworn according to law, deposed and testified as follows:

Question 1. State your name, residence, and official character on the 17th day of November, 1874.—Answer. My name is George Drew; my residence is Silver City, Idaho Territory; and was on the 17th day of November, 1874, clerk of the board of county commissioners of Owyhee County, Idaho Territory.

Q. 2. Look at the paper marked "Exhibit B" and state whether it is a copy of the original abstract of votes cast in the several precincts of Owyhee County, Idaho Territory, for Delegate to Congress, on the 3d day of November, 1874, and by you, as clerk of the board of commissioners of said county, transmitted to the secretary of the Territory of Idaho.—A. It is.

Q. 3. Is said abstract a true exhibit of said vote as canvassed by the commissioners, or is there a mistake in any of the precincts, so that the abstract differs from the canvass of votes made by the board of commissioners? And, if so, state what the mistake is, and whether the mistake is yours, and whether the commissioners, in their canvass, found and counted any votes cast at Bruneau precinct; and, if so, give the number and for whom cast for Delegate to Congress.—A. There is a mistake by the omission of number of votes canvassed for Bruneau precinct. I should have inserted in said abstract nineteen (19) votes cast for T. W. Bennett for Delegate in Congress at said Bruneau precinct, and nine (9) votes for S. S. Fenn for the same office, at the same precinct. The mistake was mine, and the votes of Bruneau precinct were canvassed by the board of county commissioners as aforesaid; that is, nineteen for Bennett and nine (9) for Fenn.

Q. 4. State how the abstract above referred to should be corrected to show the facts of the canvass, as made by the commissioners of Owyhee County.—A. There should have been inserted in the abstract, in order to make it correspond with the canvass as made by the board of county commissioners, opposite the word Bruneau, in the column under the

name T. W. Bennett, the figures (19) nineteen, and under the name S. S. Fenn the figure (9) nine. The footing of the total vote cast for T. W. Bennett in Owyhee County, as shown by said abstract, includes said nineteen (19) votes canvassed for him in Bruneau precinct, and the total vote cast for S. S. Fenn in Owyhee County, as shown by said abstract, includes said nine (9) votes canvassed for him in Bruneau precinct; that is to say, there were six hundred and eighty-six (686) votes canvassed for T. W. Bennett in said county, and four hundred and ninety-seven (497) votes canvassed for S. S. Fenn in said county, and these totals include the said votes canvassed for Bruneau precinct, and said totals would have been the same, had the said vote of Bruneau precinct been copied into the said abstract, as will appear by the addition of said columns with the said vote of said Bruneau precinct inserted. The mistake occurred in copying the abstract of votes in which the true total was copied, but the vote of Bruneau precinct was omitted.

GEORGE DREW.

TERRITORY OF IDAHO,

Owyhee County, ss:

I, Charles M. Hays, a notary public in and for the county of Owyhee, in the Territory of Idaho, do hereby certify that, in pursuance of the notice hereto attached and marked "Exhibit A," the above testimony of George Drew was taken before me, at my office, in Silver City, in the county of Owyhee and Territory of Idaho, on the 22d day of March, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock p. m. of said day, on behalf of T. W. Bennett, to be used in the House of Representatives of the Forty-fourth Congress of the United States, in the matter of contest of election of Delegate to said Congress from the Territory of Idaho, wherein S. S. Fenn is the contestant, and the said T. W. Bennett is the returned Delegate. At the taking of said testimony the said T. W. Bennett was present, by Henry Martin, esq., and the said S. S. Fenn was present, by R. Z. Johnson, esq.; that the said George Drew was by me first duly sworn according to law to speak the truth, the whole truth, and nothing but the truth; that each and all of said questions, and each and all of the answers thereto made by the said George Drew were by me reduced to writing in the presence of said witness; and after the said testimony was by me carefully read over to the said witness, he signed the same with his name.

I further certify that the abstract marked "Exhibit B," and made a part of said testimony, is the identical paper referred to in the second question propounded to said witness in his answer to said question.

In witness whereof I have hereunto set my hand and affixed my official seal this 22d day of March, 1875.

[SEAL.]

CHAS. M. HAYS,
Notary Public.

EXHIBIT A.

Notice to take depositions at Silver City.

TERRITORY OF IDAHO,
Boise City, March 8, 1875.

To S. S. FENN: You are hereby notified that on Monday, the 22d day of March, A. D. 1875, between the hours of 8 o'clock a. m. and 8 o'clock

p. m. of said day, at Silver City, in the county of Owyhee, and Territory of Idaho, before Charles M. Hays, a notary public in and for the said county of Owyhee, at his office, in said Silver City, I will take the testimony of George Drew and James Lyman; which said testimony, when so taken, I will use in my behalf in the House of Representatives of the Forty-fourth Congress of the United States, in the matter of the election of Delegate to said Congress from the Territory of Idaho, wherein you are contestant and I am the returned Delegate. The taking of said testimony, if necessary, will be adjourned from day to day between the hours aforesaid, until all are taken.

T. W. BENNETT.

TERRITORY OF IDAHO,
County of Owyhee, ss :

I, Edward L. Curtis, a competent witness, upon oath, do depose and swear that upon this 8th day of March, A. D. 1875, I did serve upon S. S. Fenn, the person to whom the same is directed, a true and exact copy of the notice to which this affidavit is attached; and that I did then deliver to him the said S. S. Fenn, in person, said copy, and that he received the same.

E. L. CURTIS.

Subscribed and sworn to before me this 8th day of March, 1875.

[SEAL.]

A. L. RICHARDSON,
Clerk Supreme Court, Idaho Territory.

EXHIBIT B.

(Copy of original.)

Abstract of votes cast for Delegate to Congress in the several precincts of Owyhee County, Idaho Territory.

For Delegate to Congress.	Cassia Creek.	Bullion City.	Rock Creek.	War Eagle.	Sinker Creek.	Oro Fino.	Reynolds Creek.	Wagon Town.	Pleasant Valley.	Silver City.	Bruneau.	Total.
T. W. Bennett.....	25	191	30	32	19	117	26	5	11	211	....	646
S. S. Fenn.....	5	90	14	36	6	103	7	15	12	200	....	497

TERRITORY OF IDAHO,
County of Owyhee, ss :

I hereby certify that the above is a true and correct abstract of the votes cast for Delegate to Congress in Owyhee County, Idaho Territory, as by the returns canvassed by the board of county commissioners of said county and Territory.

In witness whereof I have hereunto set my hand and affixed my official seal this 17th day of November, 1874.

[CO. SEAL.]

GEO. DREW,
Clerk of the Board of County Commissioners.

INDEX.

CONTESTANT'S PAPERS.

	Page.
A notice of contest.....	1
Answer of contestee	4
Notice to take testimony at Boise City.....	6
Deposition at Boise City.....	7
Deposition of E. J. Curtis.....	7
Exhibits A, B, C, D, E, F, G, H, I, J, K, L.....	10
Certificate of chief-justice.....	28

ONEIDA COUNTY.

Notice to take depositions at Malad.....	29
Agreement.....	29
Notice of additional witnesses, No. 1	30
Notice of additional witnesses, No. 2.....	31
Notice of additional witnesses, No. 3.....	31
Notice of additional witnesses, No. 4.....	32
Depositions at Malad City.....	32
Deposition of B. F. White.....	33
Geo. Lake.....	36
E. J. Davis.....	44
Robt. T. Bush.....	50
Griffith Thomas.....	50
Tho. I. Bolingbroke	52
Morgan Morgan.....	53
Thos. Daniels.....	55
L. H. Hatch.....	56
Robt. J. Caldwell.....	61
Thos. Brolingbroke.....	67
Francis Levan	68
Wm. A. Tillotson.....	70
Richd. G. Evans.....	71
W. C. Hawkins	71
Certificate of clerk.....	72
Certificate of chief-justice.....	73
Certificate of clerk.....	73
Exhibits A, B, C, D, E, F, G, H.....	73

NEZ PERCES COUNTY.

Notice to take testimony at Lewiston.....	84
Depositions at Lewiston	84
Testimony of W. B. Hunt.....	85
John B. Menomy.....	89
Objection of contestee.....	94
Testimony of C. G. Kreiss	95
Exhibits A, B, C.....	96
Notary's certificates.....	115
Certificate of clerk of district court	115

LEMHI COUNTY.

Notice to take testimony at Salmon City.....	116
Depositions at Salmon City.....	116
Deposition of B. F. Price.....	116
John Hogan.....	117
C. W. Manasco	119

Exhibits A, B, C, D, E, F, G, H, I, J.....	.....
Certificate of probate judge.....	.....
clerk.....	.....

IDAHO COUNTY.

Notice to take depositions at Washington.....	.....
Depositions at Washington.....	.....
Deposition of B. F. Morris.....	.....
Fred. Klippel.....	.....
N. B. Wiley.....	.....
Exhibits A, B, C, D, E, F, G, H, I.....	.....
Deposition of H. Van Buren.....	.....
Certificate of probate judge.....	.....
clerk.....	.....

NEZ PERCES COUNTY.

Notice to take depositions.....	.....
Depositions.....	.....
Deposition of Jasper Rand.....	.....
W. P. Hunt.....	.....
John Brearley.....	.....
H. O. Adams.....	.....
Exhibit A.....	.....
Certificate of probate judge.....	.....
clerk.....	.....

PAPERS OF CONTESTEE.

Notice to take testimony at Salmon City.....	.....
Depositions at Salmon City.....	.....
Deposition of John Hogan.....	.....
Exhibit A.....	.....
Certificate of probate judge.....	.....
Notice to take testimony at Boise City.....	.....
Depositions at Boise City.....	.....
Deposition of E. J. Curtis.....	.....
John Clarke.....	.....
Certificate of probate judge.....	.....
Exhibits B and C.....	.....
Notice to take testimony at Malad City.....	.....
Additional notice to take notice, No. 1.....	.....
Additional notice, No. 2.....	.....
Depositions at Malad City.....	.....
Deposition of B. F. White.....	.....
Joseph W. Morgan.....	.....
Emery J. Davis.....	.....
Morgan Morgan.....	.....
Exhibits B, D, E, F.....	.....
Notice to take depositions at Silver City.....	.....
Depositions at Silver City.....	.....
Deposition of George Drew.....	.....
Exhibit B.....	.....





